The Pirates of Somalia

Maritime bandits or warlords of the High Seas?

by

Dian Cronjé

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Supervisor: Prof WJ Breytenbach

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DECLARATION

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the authorship owner thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Date: 2 February 2010

ABSTRACT

Inflicting a financial loss of over $US16 billion to international shipping, the occurrence of maritime piracy in areas such as the Strait of Malacca and the west coast of Africa, has significantly affected the long-term stability of global maritime trade. Since the collapse of the Somali state in the early 1990's, international watch groups have expressed their concern as to the rise of piracy off the Somali coast and the waterways of the Gulf of Aden. However, 2008 marked an unprecedented increase in pirate attacks in Somali waters. These attacks did not only increase in number but also became more sophisticated. As more than 85% of world trade relies on maritime transport, the world was forced to take notice of the magnitude of Somali piracy. Considering the relative novel nature of Somali piracy, this field presents a vast potential for further and in-depth academic inquiry.

This descriptive and explanatory study set out to explore the evasive nature of the what and why (and who) of Somali piracy and relied on inductive reasoning in order (a) to explore and define the contributing causes to the Somali conflict; (b) to indicate how the conflict and the resulting consequences in particularly the Puntland region contributed to the rise of maritime piracy; (c) to determine whether the pirate groups are fishermen protecting their resources by acting like vigilantes and self-defence units, or if they were bandits, warlords, Islamists or a combination of aforementioned; and to (d) establish the role which resource scarcity and state collapse played in rendering Somalia vulnerable to maritime piracy. In pursuing the above mentioned goals, this study relied on an analysis of authoritative and contemporary sources. Media reporting was used for updating the fast moving information.

This study attributed the Somali conflict to historic and ethnic clan rivalries and the legacy of colonial rule that led to the arbitrary partitioning of Somalia by colonial superpowers. Military rule, oppression, wars with neighbours (Ethiopia), superpower intervention, famine and the rise of warlords made for state failure in Somalia. In Puntland, such factors were further aggravated by severe environmental hardship and natural disasters. Food became one of the scarcest resources in Somalia. People migrated to cities and to the coast where foreign fishing vessels also exploited the absence of coast guards in plundering fish. Some Somali fishermen

reacted and in retrieving fish, apprehended ships, resulting in armed robbery at sea. But many went further, hijacking merchant vessels, and demanding huge ransoms.

Initially prompted by grievance towards the exploitation of the Somali coastal resources, the vast financial rewards of piracy rapidly transformed this impetus to personal gain and greed. In doing so, these groups assumed characteristic similar to criminal bandits and warlords. Or were they Islamists fundraising for al-Qaeda? But unlike warlords, pirates normally never kill. The links with either Islamists or terrorism have also not been established either. The alleged link with criminal networks is much more plausible.

OPSOMMING

Maritieme seerowery in areas soos die Straat van Malacca en aan die weskus van Afrika, het tot op datum, na raming, finansiële verliese van meer as $US16 biljoen aan internasionale skeepshandel berokken en het ‘n beduidende negatiewe effek op die langtermyn stabiliteit van globale maritieme handel. Sedert die verval van die Somaliese staat in 1991, het internasionale waarnemingsgroepe hul besorgdheid uitgespreek oor die toename van seerowery aan die Somaliese kus en die aangrensende Golf van Aden. Vanaf 2008 was daar egter ‘n ongekende toename in seerower aanvalle in Somaliese kuswaters. Nie alleen was daar ‘n toename in die aantal insidente nie, maar die aanvalle is gekenmerk deur meer gesofistikeerde metodes. Aangesien meer as 85% van wêreldhandel afhanklik is van seevervoer, was die wêreld genoodsaak om kennis te neem van die omvang van die verskynsel. Gegewe die feit dat Somaliese seerowery ‘n relatiewe onlangse verwikkeling is, bied hierdie veld groot potensiaal vir verdere en diepgaande studie.

Die beskrywende en verduidelikende studie het ten doel om die ontwykende vraagstuk oor die *wat*, *hoekom* en *wie* van Somaliese seerowery te verken en by wyse van induktiewe beredenering die volgende vas te stel: (a) om die bydraende oorsake tot die Somaliese konflik te ondersoek en te definieer, (b) om aan te dui hoe die konflik en die gevolge daarvan, spesifiek in die Puntland streek, bygedra het tot die ontstaan van plaaslike seerowery (c) om vas te stel of die seerower-groepe vissers is wat hul bronne beskerm deur vigilante of selfverdedigings-eenhede te stig en of hulle oorlogsbaronne, radikale Islamiste of ‘n kombinasie van voorafgenoemde is, en (d) om die rol te beskryf wat hulpbron-skaarste en staatkundige verval gespeel het om die risiko van seerowery in Somalie te verhoog.

In navolging van voorafgenoemde doelwitte het die ondersoek staatgemaak op ‘n deeglike ontleding van gesaghebbende en kontemporêre bronne. Hierdie teoretiese grondslag is verder aangevul deur media-verslaggewing oor die onderwerp.

Die studie het bevind dat die Somaliese konflik toegeskryf kan word aan historiese en klanverskille en die nalatenskap van koloniale heerskappy wat mettertyd gelei het tot die arbitrere verdeling van Somalië deur koloniale moondhede, militêre onderdrukking, geskille met buurstate (Ethiopië), inmenging van supermoonthede, hongersnood en die opkoms van

oorlogsbaronne. Hierdie faktore het bygedra tot die staatkundige verval van Somalië. In Puntland in besonder, is hierdie bydraende faktore vererger deur omgewingsontbering en natuurlike rampe. Gevolglik het voedsel een van die skaarste hulpbronne geword in Somalië. Hierdie omstandighede het die bevolking na die kus gedryf, waar buitelandse visserbote onwettig die mariene-bronne geplunder het. In reaksie hierop het die bevolking self die wapen opgeneem om sulke skepe te konfronteer wat gelei het tot gewapende roof ter see. Sekere vissermanne het egter verder oortree en bote gekaap en aangehou in ruil vir omkoopgeld. Dit was egter lank nie meer gekaapte vissersbote nie, maar handelsskepe met ander duursame vragte.

Terwyl hul optrede aanvanklik gemotiveer is deur ontevredenheid met die onwettige ontginning van mariene bronne, het die aansienlike finansiele voordele van seerowery hierdie dryfveer mettertyd gewysig tot een van persoonlike gewin en hebsug. In hierdie proses het die groeperinge eienskappe ontwikkel soortgelyk aan kriminele rowers en oorlogsbaronne van die oopsee en radikale Islamiste. Anders as oorlogsbaronne het hierdie groepe egter nie die lewe van hul slagoffers geneem nie. Die verband tussen hierdie seerowergroepe en radikale Islamiste of terroriste groepe kan ook nie verseker vasgestel word nie. Daar is dus ‘n meer geloofwaardige verband tussen sulke groepe en georganiseerde kriminele netwerke.

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Dian Cronje
February 2009, Stellenbosch

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(Institute for Security Studies, 2009)

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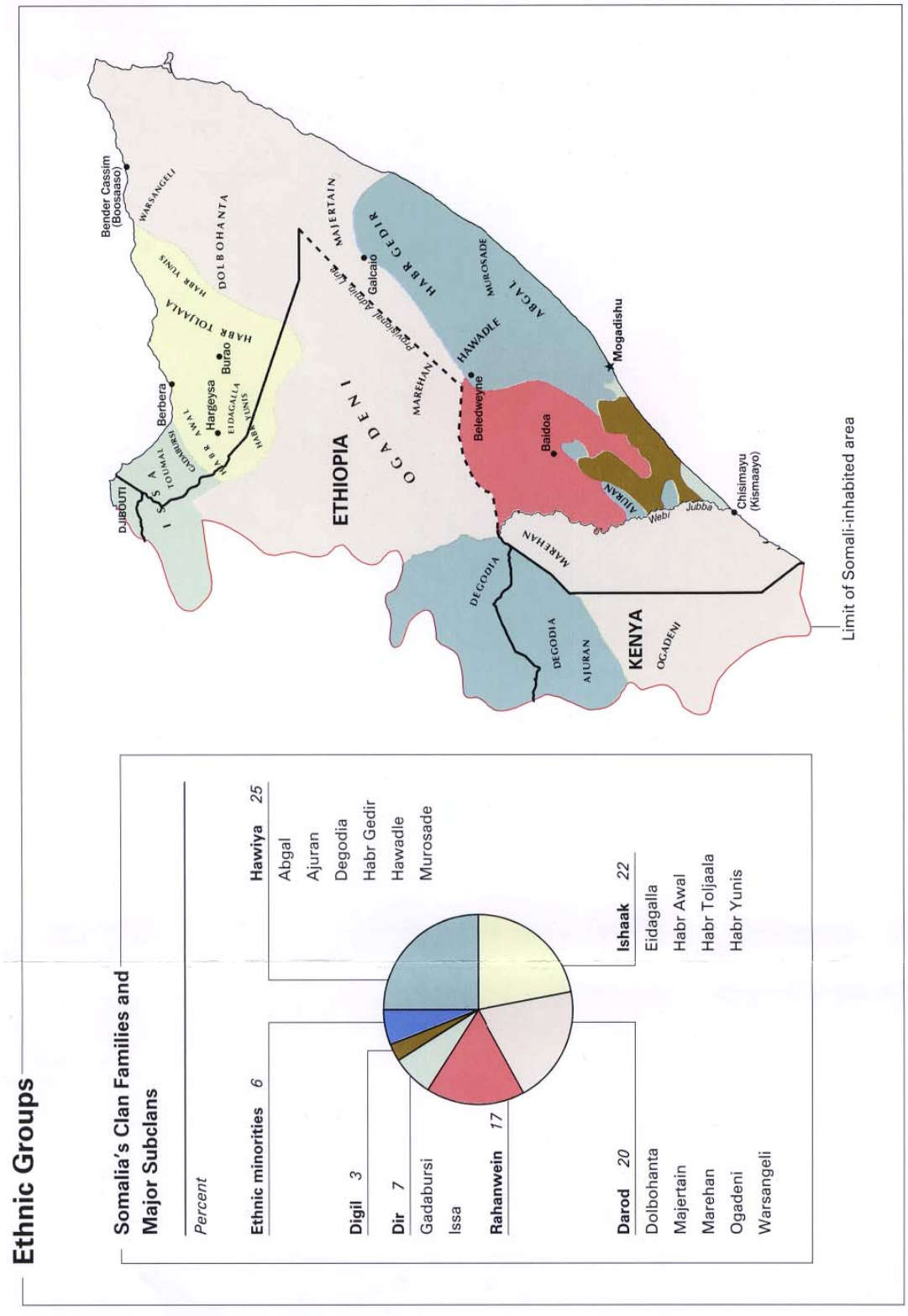

(University of Texas, 2009)

CHAPTER 1

Introduction

1.1 Overview

This is a short overview of the history of conflict in Somalia with special reference to the causes of the conflict generally. It focuses more specifically on an understanding of the phenomenon of piracy off the east coast of Somalia: who are they, and why are they pirating? Somali-based piracy emerged less than a decade ago and relatively little is known of these pirates. What is known is that they began by capturing foreign fishing trawlers off the coast of Puntland. They then steered them to the fishing ports of Eyl and Harabdere, from where the freight of caught fish – for example tuna, shrimp and crayfish, were either sold or redistributed to Puntlanders. From about 2007, the targets of these pirates were not always fishing fleets. Instead they now started focussing on cargo vessels (the Sirus Star and the Faina come to mind) carrying oil, arms and other bulk merchandise. Huge ransoms were demanded and paid. What also transpired is that the headquarters of these pirates were not small fishing coastal villages anymore, but Garowe, a town in inland Puntland, which is very far from the coast.

This study is neither primarily about conflict nor about the failed peace processes in Somalia. It deals therefore with mainly the recent phenomenon of piracy, and the explanation thereof. For these reasons, salient factors in the Somali conflict have to be taken note of. Most of these are internal, such as food scarcities on land and the effects of statelessness which relates to the inability of law and order to deal with crime. Another factor may be external and relates to the possible role of political Islam in using piracy as fundraising for al-Qaida.

Since the fall of military leader, General Mohamed Siad Barre in 1991, Somalia has been without an effective government and has become an ungovernable and failed state, characterized by civic unrest and social and political turmoil. This gave rise to continuous conflict between armed groups, such as warlords and clan-based militias fighting each other to seize control of valuable resources, in this case not oil, ivory or diamonds as in other parts of Africa, but food infrastructure.

With the lack of a central law enforcing institution, Somalia soon became the target of not only local armed groups, but also other nations that saw profit to be made from the state's restless situation. The state of Somalia's fishing industry seemed prosperous to outside commercial interests. Its coastal waters, home to valuable maritime resources such as tuna, mackerel, lobster and numerous other pelagic and demersal species, stretching some 3000km from north to south and 200 nautical miles from the coast, produced a lucrative amount of wealth with an annual value of more than US$ 55 million (Food and Agriculture Organization, 2009).

Due to the poor state of law and order in Somalia, its waterways were left unprotected and it soon became evident that foreign nations were illegally fishing within Somalia's exclusive economic zone. Although theoretically a failed state, the sovereignty of Somalia was still to be respected and the unlawful abuse of its maritime resource soon came to the attention of the United Nations and other major actors who urged neighbouring countries to assist in the protection of its coastal resources. Such exploitation, although a controversial issue, is widely documented in sources such as, the academic work of Coffen-Smout (1998), Ninic, (2008) organizational reports published by the International Maritime Organisation, Maritime Fishing Institutes and the Food and Agriculture Organization, and also journalistic reporting's such as Ryu (2009) and Hari (2009).

All of these sources relate to the possibility that the pirates are fishermen who are protecting the rich maritime resources off the coast of Somalia against illegal foreign fishing vessels. Interesting to note, is that some of these sources make the distinction between (a) acts within Somalia's exclusive economic zone and (b) acts on the high seas, outside the exclusive economic zone, further than 200 sea miles from the coast (Wilson, 2009). The reason for this distinction is that according to the United Nations Convention on the Law of the Seas (UNCLOS, 1994) there are certain areas within countries coastal water that the country has sole jurisdiction over. These areas can be protected at all costs by the country it belongs to and other vessels may not enter such areas. Trespassers may be stopped, boarded and searched. This being said, other areas within these coastal waters are open to foreign vessels for "innocent passage" purposes. The Somali pirates attack ships, not only on the high seas but also inside these economic zones. It is thus an open-ended question as to the reasons for foreign vessels being inside the coastal waters of Somalia or not and thus why pirates are seizing these ships. This will help determine the question of what the pirates are, and why

they are pirating other vessels. Another question is whether the fishermen are protecting fishing resources or whether they are armed robbers at sea – thus either some kind of social bandit like Robin Hood the noble thief, or some kind of criminal much as the pirates of yesteryear; or are they warlords of the high seas – a variation of the warlordism of Farah Aideed; or are they Islamic terrorists, fundraising for al-Qaeda.

As the majority of Somalia's maritime resources are fished for direct human consumption a vast amount of people living on the coast are dependent on the ocean as source of work, income and food (Food and Agriculture Organization, 2009). This is especially true in Puntland, the arid coastal region north of Mogadishu, normally only used for grazing, leading towards the most eastern tip of Africa. These people will thus suffer directly from the overfishing of its resources. This is especially prominent when considering that the coastal city of Eyl and the regional capital, Garowe has been identified as pirate heavens (Harper, 2008; Hunter, 2008).

In the aftermath of colonial occupations, the nation of Somalia was divided into five separate territories. To the north-west, France occupied the area surrounding the port of Djibouti. Originally used as a coaling station, this piece of land was considered strategically important, for the reason that it served as the southern entrance to the Red Sea (Meredith, 2005, Lewis, 2002). To protect its interests in Aden, the port city on the southern coast of Yemen, the British laid claim to northern Somaliland. Originally occupied by Egypt, this stretch of land ensured that Britain held control of the Gulf of Aden (Lewis, 2002). Due to former treaties with the Sultan of Zanzibar, the Italians already occupied the eastern coastal strip – present-day Somalia and Puntland. This resulted in the Italians establishing themselves along the coast with Mogadishu as its capital. The remaining territory to the south and west was divided into the British colony of Kenya, and Ethiopia, which was given the Ogaden region which is inhabited by ethnic Somali citizens, giving rise the irredentist wars between Somalia and Ethiopia. The Ogaden is adjacent to Puntland.

The territories mentioned above are still under rule of numerous clans. It was thus in the interest of the European powers to establish some sort of agreement with these clans as to ensure peaceful cooperation between the colonial powers and the rightful occupants of the lands. For instance one of the first European powers to engage in such treaties was the British. With Somali clans growing wearier of their Egyptian neighbours and the activities of

Abyssinia (Ethiopia), they embraced opportunities to side with the British. As Ioan Lewis (2002) argues in his book on the modern history of the Somali, the clans agreed to treaties with the British similar to the ones relied on by clan members for internal agreements.

The absence of central rule in Somalia since 1991 can thus be traced back throughout history, as far back as the first stages of colonisation. The possibility thus exists that the colonial partitioning, irredentist wars with neighbouring countries and rebel groups, as well as the state of oppression and anarchical rule by revolutionary leaders, have all served as contributing factors to form what is today the most failed of all collapsed states. With no effective central governing body – despite many peace agreements - a complete disregard for the general rule of law, and a total lack of effective political institutions, check or balances and legal and judicial systems, Somalia has no true authority to halt severe acts of criminality. It might thus be the lawlessness since 1991, and famine since the rule of Siad Barre that contributed to firstly, the troubled nature of Somalia, and secondly to the acts of maritime piracy.

Elmi and Barise (2006) examine the root causes of Somali conflict and analysed the obstacles that hinders peace-building strategies. The authors are of the opinion that the competition for strategic resources and power, repression by military regimes and the colonial legacy all served as background causes of the conflict. Adding to this the authors mention that politicised clan identities, the availability of weapons, the large number of unemployed youth, the troublesome relationship with its neighbours, the absence of major power interests after the Cold War, a lack of resources and the unwillingness of warlords to pursue peace, have all added to the make Somalia a weak, hungry and collapsed state.

As stated, the colonial partitioning left the Somali people divided by imaginary lines, devised by the British and other imperial states. The Somali people unified by their clan lineages and feeling of nationalism after independence in 1960, were apt to pursue the cause of a greater Somalia (Lewis, 2002; Ahmed and Herbold Green, 1999; Cornwell, 2004; Woods, 1997). Irredentism or re-unity was an urge toward nationalism that caused the irredentist wars with its neighbours.

At the time these intentions led to two noteworthy incidents. The first was the border wars of 1964, as small rebel groups terrorized the borders between Somalia, Ethiopia and Kenya. The second was the great Ogaden War of 1977/78. This war marked the invasion of Ethiopia by

Siad Barre's Somalia to unite the Ogaden plains with Somalia (Nkaisserry, 1997; Marine Corps University Command and Staff College, 1986; Laitin, 1979; Tareke, 2000). Initially securing most of the Ogaden region, the Somali troops were driven from Ethiopia by a coalition of Russian and Ethiopian troops. At the centre of these incidents, was the presence of clan based armed groups – in this case the Darod (Siad Barre's clan) - that fought for the unification of all Somali territories.

Although numerous contributing factors influence the historic and moderns conflict in Somalia, none are as important as the homage paid by Somali citizens to their family. As Martin Meredith (2005: 465) mentions: "...Beneath the passionate nationalism, however, lay a complex society based on clan-families, each one subdivided into sub-clans, extending all the way down to the lineage segments consisting of close kinsmen and family groups."

De Waal mentions that in the southern parts of Somalia, there were predominantly three different classes – farmers, landowners and liberators. There is also a large presence of grazing communities in the northeast. The first mentioned refers to a class that relied on conventional and basic means of land agriculture in the region between the Shebelle and Juba Rivers – the core clans in this area being the Hawiye. The two remaining classes where mostly associated with Mohammed Siad Barre, the Darod-based military leader who ruled Somalia for 21 years, and who either took land from their rightful owners in the South or "liberated" it. This resulted in farming lands in southern Somalia being left unsupervised and not utilized (De Waal, 1996). This drastically heightened the food crisis in the entire region eventually escalating to such an extent that the Somalia had to rely on foreign food aid.

The conflict between clans and class entities with the Somali agriculture sector had a significant impact on the country's pastoral system (Mukhtar, 1996). In the 1980's the pastoral system, such as the grazing regions of Puntland, became a lucrative industry to such an extent that the main actors were a handful of wealthy exporters. When these relatively wealthy exporters fell out of favour with Siad Barre in the 1980's, the government used state resources, such as the allocation of funds to favour the clans of its choice. This line of reasoning helps to understand how Siad Barre's policies undermined food production in the agricultural South while assisting the animal grazing interests in the northeast. His fall from power in 1991 brought this kind of patrimonialism to an end. Having "won" the war against the Darod-based Siad Barre, the Hawiye-based warlord Mohammed Farrah Aideed, who

hailed from the south, focused on capturing the capital city of Mogadishu and controlling the port of Kismayo. During this time Aideed stole food aid while Puntland was relatively peaceful but, as stated above, neglected and hungry. It is against this background that piracy in Somalia – really Puntland, emerged since the 2000's

1.2 Problem Statement

This study deals with the question of what or who the pirates are, and why they are so active in Somalia. This question has many possible answers that will be analysed in this study. For example are the pirates "freelance militia" – a concept used by Elmi and Barise (2006:45-51); or are they warlords of the high seas – "sailor" Mohammed Farah Aideeds; or are they criminal bandits (thieves) such as in Mexico, Turkey and India in the early nineteenth century, or are they fishermen who behave like noble thieves or social bandits, Robin Hoods who robbed the rich to pay the poor, i.e. performing civil defence duties in the pursuit of protecting the scarce food resources of the sea; or finally, are they Islamist militias, fundraising for al-Qaeda or other terrorist groups?

In answering these questions we turn to academic interpretations for definitions of "pirates", "warlords", "bandits" and "militia" "and self-defence units"

Addressing maritime piracy, popular culture often portrays such images of pirates as fiendish scallywags that, in the process of robbing and stealing their way to riches, spend endless days drinking rum, basking in the luscious Caribbean on white beaches, just to sail away into the sunset with chests of gold accompanied by fair maidens. Ironically a historic overview on the true nature of pirates of old, reveal a stark contrast with the concept romanticised by film and print media. Whereby modern and classical forms of entertainment reveal pirates to live a fairy-tale lifestyle, the essence of a pirate very closely resembled the metaphorical identity of these men, and woman, being "dogs of the sea". The life of a pirate was short-lived, cruel, horrid and except for the financial incentives, in no manner pleasant. In more instances than one, piracy was not a profession pursued out of mere free will but of necessity. It is for this reason difficult to explain the fixation that people of all ages have with the distorted image of classical piracy. The fascination with pirates became even more instilled in modern times not only with the personification of fictional characters like Long John Silver, Captain Hook and more recently, Captain Jack Sparrow but, also by mythical tales of real life pirates such as

Edward Teach (Blackbeard), Tomas Tew and John Roberts. Also known as “Black Bart”, Roberts was one of the most notorious, feared and successful pirates that sailed the Spanish Main and the waters of West Africa. His following words are chilling:

> "To get rid of the disagreeable superiority of some masters peregrinations had accustomed me. In an honest Service there is thin Commons, low Wages, and hard Labour; in this, Plenty and Society, Pleasure and Ease, Liberty and Power; and who would not balance Creditor on this side when all the Hazard that is run for it, at worst, is only a sour Look or two at choaking. No, A merry Life and a short one, shall be my Motto." (Defoe, 1999: 224)

Considering these words, one is left wondering whether pirates can ever be seen as protectors of the poor, who like Robin Hood, defended the hungry while robbing the rich.

The question as to what the true nature of these criminals in Somalia are, is a problematic issue that, considering the amount of media coverage and international recognition and social speculation it receives, deserves a thorough conceptual analysis and definition. The first thought that comes to mind, is that these criminals are indeed modern day maritime pirates. It is thus possible that such groups are the outcasts of society, but the question has to be raised as to how outcast a person can be in lawless country. Can a person truly scavenge and plunder the sea like pirates of old in the modern times? What if their intention is to feed the poor?

A popular perspective holds that the pirates are a product of famine and of the lawless nature of Somalia. With no central law enforcing authority in Somalia, a violent history of civil war and a populace constantly under threat of famine and militia oppression, any survival strategy is possible. A common occurrence in such dire situations is for civil society to revert to measures of self-protection. It can thus be asked whether this search by society for security outside the (non-existent) formal security structures of the state, fits the description of the maritime pirates.

More formally defined as vigilante groups or self-defence units, such groups hail security as not a priority but a necessity. In essence, and considering the context within which this discussion is relevant, we should make the distinction between vigilante and civil defence units. According to Comfort Ero (2000), vigilante justice takes place not only in conflict

riddled areas, but also in countries which are not necessarily in a state of war or social disorder. This being said, vigilante justice, more referring to an act of achieving justice than the group inflicting it, refers to justice that is achieved when private citizens take law in their own hands resulting from the inability of state structures to uphold internal security (Ero, 2000).

Different from vigilante justice, is self/civil-defence units that serve as substitutes to conventional defence forces. Pirate activities in coastal waters may therefore fit both descriptions as Somali citizens may not only be taking laws into their own hands but also act as substitute coastal guards in the absence of a Somali navy.

As Somalia has become a case of survival of the fittest, each individual, group, clan or faction have turned to any acts of vigilantism, civil defence, banditry or warlordism to ensure its own best interests. It is thus debatable whether the pirates are just an extreme consequence of escalating levels of criminality in Somalia. Are the pirates of Somalia thus more or less common criminals? It might be the case that the pirates and groups such as the Voluntary Coast Guard, self-proclaimed protectors of the Somali coast, serve as protectors of the community. By doing so, are they not merely filling a gap left by the absence of any formal state security units? The question should also be raised as to whether such intent was always – say, in the beginning of the 2000's or since 2007 – criminality of the same kind, i.e. early noble robbers or who later turned out to be thieves of the highest order?

Prominent of the Barre and Aideed eras, was the emergence of warlords. The question can be raised whether the pirates of Somalia are warlords of the high seas or of they are indeed mere social bandits. For the purpose of this study, we can differentiate between social and criminal bandits. In *Bandit,* Eric Hobsbawm (1972) offers a collection of theories as to the essence of modern day banditry, ranging from the actions of noble robbers to primitive resistance fighters. In his work Hobsbawm makes the distinction between social and criminal bandits. Social banditry seems to occur in "...all types of human society which lies between the evolutionary phase of tribal and kingship organization and the modern capitalist and industrial society..." A social bandit refers to peasant outlaws who, although seen as criminals by law, continue their daily lives as members of society, and are considered by the people as heroes, fighters for justice and protectors of society (Hobsbawm, 1969: 17). A striking example is that of the fictional character of Robin Hood who allegedly stole from the rich and gave to the

poor. Vigilantism or civil-defence unit also comes to mind. If the Voluntary Coast Guard had this intention, then they are the Robin Hoods of Puntland. But different from a social bandit, criminal bandits are groups that in the form of a rogue group of outlaws plunder and loot – much like warlords, such as Farah Aideed in Somalia itself.

Warlords, unlike bandits, do harass the local population in their struggle to violently occupy a specific territory and lays claim to strategic resources (Mackinley, 2000; Rich, 1999). The aim of a warlord is not to take control of a state. They rather flourish and become more successful within the context of a weak state or in the absence of civilian authorities. Warlords are supposed to be driven by greed, not grievance, by money, not ideology and do not want control of a state as a whole. Can acts of hijacking commercial shipping outside exclusive economical zone (EEZ) waters thus be seen as warlordism of the high seas?

The point is also often made that Somalia is a country of scarce resources (Elmi and Barise, 2006; De Waal, 1996; Menkhaus, 2003; and Mukhtar, 1996). Such narratives usually allude to the facts that Somalia is an arid country with only two rivers, the Shebelle and the Juba Rivers in the South. These rivers form the triangle between Mogadishu, Kismayo at the southern coast, and Baidoa inland. This is also the region of the Hawiye clan and the home territory of former warlord Farah Aideed whose USC overthrew Siad Barre in 1991. The clans living here in the south are sedentary and agricultural. They were farmers, before Siad Barre's policies destroyed food production in Somalia. In contrast, Farrah Aideed never attempted to restore food production. He rather focussed on stealing emergency food aid which he redistributed for purposes of patronage.

In Puntland the main modes of existence is grazing (livestock, predominantly camels) and fishing. These people are the nomads of Somalia and are mostly part of the Darod clan, like former dictator Siad Barre. By the time that Barre's regime came to an end, the state of Somalia had fallen into clan and lineage rule. What worsened the situation was the fighting and plundering by factions who all wanted to seize power of local infrastructures. As formal legal structures hardly existed, the groups which held strategic positions such as ports or distribution networks also held most of the power. As such groups were armed to the brim with weapons received from the two superpowers (Soviet Union and the United States) and the Ethiopian regime that armed opposing clan groups (Elmi and Barise: 2006: 35, Nkaiserry, 1997).

As Meredith mentions (2005: 469), Somalia soon became lawless and ungovernable. In the Puntland region, with its intense drought and famine, food from the sea is highly sought after. This raises the obvious question as to why piracy is so frequent in Somalia. Possible answers are that because there are food scarcities in Somalia, the pirates are or were also fish food suppliers to the hungry populace - modern-day Robin Hoods; or that they are perhaps not Robin Hoods any more, not caring for the poor, but criminal plunderers of lucrative shipping merchandise, for whom the argument of grievance never applied? Are they, the more recent pirates of this kind, greedy criminals?

Finally, there is the question whether the pirates of Somalia are perhaps not linked to political Islam, fund-raising for al-Qaeda and other terror groups. Since 2001 the business that is piracy has become very lucrative and the pirates know that in the statelessness of Somalia, they cannot get caught and punished because there is almost no law and order. Other scholars, especially those writing about the Global War on Terror since 9/11, are of the opinion that not only piracy but the Islamic resistance against the US supported weak government in Somalia since 2006/7 can be linked to international terrorism, claiming that the failed Muslim state of Somalia serve as breeding ground for terrorism and thus resulting in acts of maritime banditry (Marchal, 2007; Lorenz, 2007).

Concerning the structure and organization of the Somali pirates, the territorial importance of Somalia in Africa and in light of certain actual pirate attacks, the possibility does exist that the pirate groups are indeed operating within a larger network of terrorist activities, deeply embedded in religious fundamentalism. Considering that Somalia has been identified as a potential threat in the Global War on Terror (GWOT), the lawless state and Islamic based society could serve as fertile breeding ground for terrorist activities. For some analysts therefore, a plausible link does exist between the activities of the Somali pirates and global maritime terrorism (Luft and Korin, 2004; Snoddon, 2008). Such fears were aggravated by the attack on the Faina, a Ukrainian cargo ship carrying Russian tanks, weapons and ammunitions intended for anti-Islamic rebels in Southern Sudan. This attack in September 2008 spurred further speculation, greatly fuelled by the media that such acts of piracy serve as fundraisers to satisfy the financial and material needs of political Islam, in areas like the Sudan or greater Persian Gulf.

As more than 85% of all world trade relies on maritime transport, global actors can no longer afford to be left in the dark and not be enlightened as to the magnitude of maritime piracy. As the pirates operating in the Gulf of Aden may have realigned their interests, with that of a globalizing world, we are faced with a scenario where social and political influences meet. Sadly all bears witness to unprecedented disorder on land and sea, yet apathy and indecision remains the order of the day.

As the dawn breaks on a new era of politics, especially the activities of the West, it seems that the world was caught unaware by the magnitude of modern day piracy. So much so, that mere speculation, and tedious media reporting remains the only form of information on this serious threat to world trade.

1.3 Purpose and significance

This thesis asks questions about the *what* and *why* of maritime robbery at sea/piracy in Somalia, with specific reference to the Gulf of Aden. It is one of the first of its kind to address this piracy, in a way different from other papers. In doing so, this work wishes to make a contribution to the academic fields of conflict studies, African politics in Somalia and maritime security.

The purpose of this study is therefore:

a) to describe and explain the underlying political, economical and social factors contributing to conflict in Somalia;
b) to ascertain whether conflict and robbery at sea/piracy is linked;
c) to question who or what the robbers or pirates are, and why acts of piracy are so rife in particularly the Puntland area of Somalia;
d) to assess whether these pirates are fishermen protecting resources, vigilantes, self-defence units, bandits, warlords, Islamists or a combination thereof and;
e) finally, to point out that resource scarcity and statelessness render Somalia susceptible to maritime piracy, but that external motive cannot be ruled out.

1.4 Research methods

The research methods applied in this study have been chosen as to best deal with the two central research questions – the aspects of "what" and "why" of modern day piracy off the coast of Somalia.

This is a desktop type of study which is of descriptive and explanatory nature and thus falls under the broader term of qualitative research. This indicates that the line of reasoning in this study is inductive. This being said, this study makes no use of a hypothesis or any falsifiable assumption. It does not test any social or international relations theory. It is therefore not conducted in either the realism or liberalism school of thought but tries to understand and rationalise rival explanations.

Concerning the time dimension within the study, except for parts on the history of Somalia, the occurrence of coastal or high sea piracy shall not be approached in any specific time dimension. Although adopting characteristics of cross sectional (specific reference to the most prominent years for pirate attacks in the Gulf of Aden) and longitudinal time dimensions (the history of Somalia and general acts of piracy over decades), the author is weary as to commit to any notion of time that might indicate that this study is of historical nature only.
As the use of fieldwork and questionnaires were not applied, this study is not empirical in the sense that new data was not produced. Because interviews were not conducted, there are no ethical implications about the breach of confidentialism. It is for this reason that this study relies heavily on media reporting's, historical overviews, maritime reports and legal documentation to establish a framework that will serve as basis from which the author will deduce and describe modern day piracy. By doing so, last mentioned justifies the significance of this study as it hopefully delivers a fresh and original perspective on who/what the pirates terrorizing the waters of Somalia are, and why they behave in such manners.

A useful and reliable source of information on acts of piracy is the International Maritime Bureau (IMB), a specialised division of the International Chamber of Commerce (ICC). Relying on the IMB Piracy Report Centre in Kuala Lumpur, the IMB offers prominent literature in its annual reports on piracy. In almost all instances, published work, be that academic or media reporting's, rely on these reports for up to date information on pirate attacks occurring all over the world. Adding to this, a large scope of data has been gathered

from papers and reviews published by leading organizations such as the US Navy's Naval War College, Maritime Terrorism Research Centre and the California Maritime Academy, that share the views of the most prominent scholars. It should also be mentioned that a large pool of data on maritime piracy in and around Somali waters exists yet we find it inaccessible as such data forms part of extensive commercial political risk analysis reports and are thus unavailable to individual researchers.

Special reference should also be made to media reporting such as the coverage of the hijacking of the Faina and Sirius Star in 2008. Except for giving up to date coverage on pirate activities, media publications such as VOANEWS, BBC News, The New York Times, the Mail and Guardian and Time Magazine, also provide a valuable insight as to the vexed questions about the what and why of piracy in Somalia.

The author would like to refer the reader to **Appendix 1** for a critical appraisal of the most noteworthy sources.

CHAPTER 2

The Factors in the Somali Conflict

2.1 Imperial partitioning: Somali irredentism and secession

More commonly known as the Scramble for Africa, the imperial partitioning era originated in the late 1800's with the Berlin Conference of 1884 launching the first formal rounds of negotiations between European superpowers. This meeting was to ensure the occupation and possession of African land and to outline the rules according to which the partition would occur (Pakenham, 1991: 253,254). It was agreed that the European superpowers would seize control of African land by means of charters, treaties and military conquest (Pakenham, 1991: 253,254).

Imperial policies that impacted on Somalia were those of the British, the French and the Italians.

Britain's interest in Somalia, and its later occupation of large parts of Somaliland, stems from its forceful possession of Aden, a port city in modern Yemen in 1839 (Lewis, 2002: 40). The importance of this city to Britain was to ensure a port that could act as protection to sea or land travellers on their way to India. The only relevance of Somalia to this city and its British occupants was the dependence of the Aden garrison on sources of meat from northern Somaliland (Lewis, 2002: 40). Britain thus had no interest to occupy northern Somalia, unless their meat sources were jeopardized. The opening of the Suez Canal in 1869 would change that.

In contrast to the actions of the British not to pursue colonial interests in the Horn of Africa, other European superpowers made their imperial ambitions clear. In 1862 France bought the town of Obock (Djibouti) (Lewis, 2002: 41). During this time, French interests were enthusiastically pursued by the government. Italy laid claim to Assab, a port city in Eritrea, in order to utilize the Red Sea and the Suez Canal after its opening.

Meanwhile, undeterred by European influences, Egypt raised the Egyptian flag at major port cities along the Red Sea at towns such as Bulhar and Berbera in the north-western parts of Somalia (Lewis, 2002: 42). This occupation did not sit well with the British, as they were

sceptical to let other nations control the opposite side of the Gulf of Aden, in fear that such foreign presence might influence the meat supply to the British garrison at Aden. The successful expansion of Egypt into Somalia led to the British realizing that Egypt's motives were very similar to their own interests and when they thus signed a treaty to acknowledge the jurisdiction of Egypt in 1877, the British utilized the Egyptian presence to ensure that no other colonial power could lay claim to northern Somalia.

Reacting to the activities of the British, France and Italy soon employed their own measures to ensure their power in North-Africa. Staking their claim in the Red Sea, the French expanded the capabilities of Obock, turning the once dire trading port into a lucrative coaling station (Lewis, 2002: 44). Italy also expanded its powers over the area surrounding Assab. Britain, at first hostile towards these ambitious efforts by Italy soon accepted them as less of a threat than France. This relationship with Britain ensured that by 1885, Italy occupied the Eritrean coast from Assab to Massawa (today's Eritrea) but this gave them no hold of power on Somalia, and it was only after 1889 that Italy made significant efforts to lay claim to the Somali territory (Lewis, 2002: 45).

Even with expanding colonial influences, Britain was still left with the troublesome issue as to the stretch of land opposite Aden, across the Gulf of Aden. Britain was troubled that if other actors were to occupy this area, this would endanger its food source to the British garrison in Aden, its power hold on the Gulf and the encompassing trade route. In contrast, the Somali people also feared the actions of other foreign occupants to North East Africa, whilst growing tired of the Egyptian presence in the north (Lewis, 2002: 52). This discontent, together with the desire of the British to secure North-Africa, resulted in Britain signing formal treaties with the most influential Somali clans between 1884 and 1886 (Lewis, 2002: 52-53). Although these treaties were the foundation of British imperialism in northern Somalia, the original intent of such agreements was not for Britain to control the Somali territory but, rather to further Somali independence to protect their sovereignty against other Europeans, and from Ethiopia.

During this time Italy extended its territory from its Eritrean stronghold in Assab towards Ethiopia. With the consent of Menelek II, Emperor of Ethiopia, Italy signed the Treaty of Wichale, which essentially established an Italian protectorate over Ethiopia (Keller, 1981: 528). With the newly acquired allies, and the accompanying resources and wealth, Menelek

was able to pressurize the Somali clans. Expanding into the north-eastern tip of the Horn of Africa towards the end of 1889, Italy now held its own turf in the acquisition of the colony of Italian Somaliland.

With the aid of its Italian occupants, Ethiopia was now a reckoned force within the Somali region and by 1897 the three colonial powers of Italy, Britain and France signed a treaty with Menelek stipulating their respective territories (Lewis, 2002: 56-57). Although these treaties formally established the greater areas of British and Italian Somaliland, it did not curb the rising disturbance of Somali clans to counter these colonies and the influence it would have on the Somali people. The most notable of all such resistant movements was led by Maxamed Cabdulle Xasan, a religious leader with much support from Somali clans (Hess, 1964: 419). Using Islam to rally followers against the "infidel" occupants, *Mad Mullah* as he was known by the British due to his eccentric ways, soon utilized the availability of arms and ammunition to rise up against European rule (Hess, 1964: 419). The resistance, firmly met by four failed attempts by the colonial powers between 1900 and 1904, was eventually halted by a well executed attack by the British.

With the acquisition of Jubaland, the most south-western point of Somalia, Italian Somaliland was growing in stature and strength to such an extent that Italy invaded Abyssinia (Ethiopia) in 1935 (Keller, 1981: 531). This lead to the temporary unification of Ethiopia, Eritrea and Italian Somaliland to form what was known as Italian East Africa.

As a result of World War II and Italy's East African Campaign, Italy also invaded British Somaliland, uniting it with its African empire in 1940. This was a short-lived scenario, as Britain quickly recaptured British and Italian Somaliland in 1941. South African troops assisted Ethiopia in the expulsion of Italy. In the aftermath of World War II, under trusteeship of the United Nations (UN), Italian Somaliland was once again handed to Italy (Reyner, 1960: 248). This was done under the orders that the occupying force should assist Somalia to achieve independence within ten years (Zolberg et al, 1989: 106).

Excluding the territories of Djibouti and Eritrea, the Somali nation became independent on 26 June 1960, to form the State of Somaliland. On the 1st of July 1960, the areas of British and Italian Somaliland merged to form the Republic of Somalia with Mogadishu, in former Italian territory, as its capital.

2.2 Irredentist conflict: The Somali – Ethiopian Wars

2.2.1 The Border Wars – 1964

With independence in 1960, the Republic of Somalia comprised of the former colonial territories of British and Italian Somaliland. Although this unified a large majority of Somali people, the unification of British and Italian Somaliland still excluded the territories known as French Somalia (Djibouti), the Northern Frontier District (N.F.D) that was still part of Kenya, and the Ethiopian regions of Haud and Ogaden (Meredith, 2005: 465). Eritrea became part of Ethiopia. These areas were, unlike the colonial areas of Britain and Italy, part of neighbouring states and the unification of these areas into greater Somalia proved to be a daunting task as Ethiopia and Kenya showed no leniency to comply with any unification prospects that the Republic might have had. As four million people of Somali origin still occupied these three areas, and with the nationalistic urge felt by the Somali populace to unite, it was just a matter of time before Somalia would bear arms to claim these areas.[1]

With uncertainty surrounding the unification of the Ogaden and Djibouti regions with Somalia, the Republic placed its hopes on the N.F.D of Kenya whose populace was at just under 400, 000, predominantly of Somali origin (Lewis, 2002: 183). Somalia felt more optimistic about attempts to unify this area with greater Somalia as it was believed that Britain strongly supported this cause. Although not opposing such actions, the British government was weary as to formally back the independence of the N.F.D from Kenya, the predominant reason being an increasingly antagonistic response from Ethiopia. In its opposition to any Somali attempt at unification, Ethiopia launched a strategic counter perspective, in accusing Britain of trying to establish a pro-British Somalia. As to clarify matters, Britain documented her stance by stating that she would not be involved in supporting any attempts at Somali unification if it would jeopardize the territorial integrity of Kenya, Ethiopia or Djibouti (Lewis, 2002: 185). As delegates from the N.F.D pushed towards the autonomy of their area, Kenya argued that if the Somali people in the N.F.D wished to secede they could peacefully join the Somali Republic by means of free passage but, autonomy of the N.F.D could not be granted.

[1] Ethnic unification is known as irredentism.

In fear of more Somali uprisings, Ethiopia and Kenya agreed on a defence pact in 1964. This agreement, renewed in 1980 and 1987, stipulated that each country shall assist each other if Somalia ever again bears arms against them (GlobalSecurity, 2009). Little did they know that this agreement would come into practice earlier than expected, as Somalia invaded Ethiopia in what became known as the Ogaden War.

2.2.2 The Ogaden War – 1978

Independent Somalia was en route to recover its "lost territories" (irredentism), which were incorporated into neighbouring countries due to the colonial partitioning in the Horn of Africa. This irredentist claim, based on historical, ethnic, linguistic and cultural legacies, added to the rising tide of Somali nationalism, the culmination of which was originally the border wars between Ethiopia and Kenya in 1964. It should be mentioned that although much of the literature on the Ogaden War proclaims the urge for a Greater unified Somalia as root cause of the war, economical factors also contributed to Somalia's expansionist impulses (Tareke, 2000: 638). The most notable of these can be mentioned to be the agricultural importance and the infrastructural significance of the Marda Pass and the railway stretching through Addis Ababa and the Ogaden region to Berbera and Djibouti (Tareke, 2000: 638). Without the use of this infrastructure, Ethiopia was thus landlocked. What also added to the increased tension between Ethiopia and Somalia was the refusal of last mentioned to accept or acknowledge the Anglo – Ethiopian treaty of 1954. According to this treaty, Ethiopia lawfully laid claim to the Ogaden region. To unify the Ogaden with Somalia was Siad Barre's dream after he came to power in 1969 but, this dream turned into a nightmare.

It has been argued that the underlying causes of the Ogaden War were: European colonial rule; Somali irredentism and the ever present superpower intervention of the Cold War (Nkaisserry, 1997). As the first two principles have become evident, the presence of superpowers (e.g. the USSR) can be seen as the intensifying factor in the War. It has been mentioned earlier that Somalia, after being abandoned by Britain in the irredentist struggle to unite all Somali territories, sought out the assistance of Soviet military might. This assistance aided Somalia to such an extent that in the time leading up to the Ogaden War, the Somali Army was far superior to its Ethiopian counterparts in terms of training and equipment (Nkaisserry, 1997: 11-12).

The loss of its military and financial aid, forced Ethiopia to find new allies. In May of 1977, with a visit to Moscow, it seemed that Ethiopia wooed over Soviet support as Cuban forces began to appear in Ethiopia (Marine Corps University Command, 1986). Disillusioned by the change in Soviet allegiance, Somalia sought out the Carter government of the US who was more than happy to strengthen its bonds with Somalia if the latter opposed the Soviet Union. In this way the Ogaden War also became involved in the Cold War conflict.

Siad Barre, unwilling to compromise on the unification of the Ogaden, realized that the time was ripe to invade an already weakened Ethiopia. Eventually, on 13 July 1977 Somalia invaded Ethiopia. The strategy deployed by Somalia divided the assault on the Ogaden in two separate stages. The first measure taken by Barre was to wear down the Ethiopian troops by using small groups of insurgents to inflict a form of guerrilla warfare - the most prominent of such groups being the Western Somalia Liberation Front (WSLF) that attacked the major Ethiopian towns such as Harar and Diredawa to the north (Nkaisserry, 1997: 15). These attacks paved the way for the main Somali forces during the second stage, to cross into Ethiopia in July 1977 and within a short period it was only the towns of Harar and Dire Dawa that stood between Somalia and the unification of the Ogaden regions into a Greater Somalia. However, the Ethiopian defence of Harar and Dire Dawa proved to be stronger than anticipated, as well directed artillery and a strongly fortified city forced the Somali military to regroup. At this stage of the war, in December of 1977, Somalia was troubled by their old ally, the USSR which was hastily beginning to supply Ethiopia with weaponry, man-power and intelligence (Laitin, 1979: 101). The extent of the support given by the Soviet Union to Ethiopia was vast and it has been estimated that Ethiopia received modern weapons and equipment totalling US$1 billion. Cuba also provided troops, instructors and highly trained pilots and it was not long before entire inventories of light armour, artillery and aircrafts were rushed to aid the struggling Ethiopian troops (Nkaisserry, 1997).

In January of 1978 Ethiopia, with the aid of its new allies, rallied an army of increased significance and was ready to face the Somali army, which was planning its final assault on Harar. Patiently waiting for the Somali Army to advance towards Harar, the Ethiopian forces consisting of Cuban troops, battle tanks and fighter planes, launched its counter-offence, trapping their opponents a few miles outside the town (Tareke, 2000: 657). This can be described as a turning point in the Ogaden War, as Ethiopia went from defending its last stronghold to a full blown offence strategy, cleverly devised by its Soviet war advisor.

Catching the Somali forces off guard with the assault and recapture of the town of Jijiga, it took the Ethiopian Army three weeks to drive the last Somali invaders back across the border. Eventually by March of 1978, Ethiopia regained its sovereignty.
By now, Barre's irredentist dreams were shattered. The defeat impoverished Somalia even further and contributed to the legacy of militarization in Somalia. One of the consequences was the surge of armed warlordism which further contributed to Barre's downfall in 1991, and instability ever since.

2.3 The Era of Mohamed Siad Barre: 1969 – 1991

2.3.1 The Coup d'état of '69: The beginning of repression

At the time of independence in 1960, the first government of the newly formed Republic of Somalia was formed through a combination the two leading political groups: the Somali Youth League (SYL), based in the south, and the northern-based Somali National League (SNL). With all its weaknesses it truly aspired towards democratic principles. Civil society was active, a sound system of checks and balances was in place and corruption was combated (Elmi & Barise, 2006: 34). The election of 1960 was contested by five entities. This increased in 1964 as 21 parties contested 123 parliamentary seats (Payton, 1980: 501). In standard political theory the presence of multiple parties can be seen as a healthy prospect for democratic consolidation but, this proved not to be the case in Somalia.

The very foundation of this contestation that sets Somalia apart from other African states – its ethnic unity – can also be seen as the root cause as to the demise of the central government, and eventually the military coup of 1969. Soon after independence in 1960, the Somali government became destabilized, by the increasing level of influence of clanship loyalties (Laitin, 1976: 452). Such loyalties did not only stretch into mere local politics but influenced communications and interests between clan members through the civil service, the National Assembly and even at cabinet level (Lewis, 2002: 166-167).

The occurrence of clan allegiances, popularly known as the "problem of tribalism", was widely rejected and frowned upon by politicians and parties alike, but eventually it was an undeniable fact that many political and public servants utilized their bonds of kinship to further their political aims (Lewis, 2002: 167). Eventually, the situation deteriorated to such

an extent that members of the National Assembly accepted material and financial incentives in exchange for their votes in parliament (Payton, 1980: 501).

To add insult to the already unstable political situation, the Republic of Somalia, due to rapid floor crossing after the 1969 election which the SYL won comfortably, officially became a one party state (Lewis, 2002: 204). When public outcry became more robust, the government opted for an authoritarian style of rule. Frustrated and immensely angered by the actions of the government they once trusted, civil society erupted and in the spirit that drove the nation towards unification, opted for a more physical approach in order to restore the regime.

On 15 October 1969, while civil leaders considered possible candidates to lead a resistance movement against the government, President ‘Abd ar-Rashid ‘Ali Shirmarke, on a visit to drought stricken districts in northern Somalia, was assassinated by one of his bodyguards. In the aftermath of this assassination, the ruling party was quick to identify a possible successor. On 20 October, the day of the funeral of ‘Ali Shirmake, the Somali Youth League members of Parliament named Haji Muse Boqor as their presidential nominee (Payton, 1980: 502). The swift appointment of Boqor was interpreted by the populace as a mere expansion of a corrupt regime and in the early hours of 21 October 1969, a military coup seized control of the capital (Ansems, 2007: 97; Lewis, 2002: 207; Payton, 1980: 502).

Occupying key points along the city, the Somali National Army, under the leadership of General Mohamed Siyad Barre, detained leading political figures and implemented a Revolutionary Council which took charge of the nation (Payton, 1980: 502). Declared as President and new ruler of Somalia on 1 November, Barre suspended the Constitution, abolished the Supreme Court and National Assembly and banned opposition parties (Lewis, 2002: 207). Although oppressive in nature, the dictatorship of Barre took on a developmental role and for the first few years of rule committed itself to bring to an end tribalism and clan rule, enforce institution building, and embracing socialism (Besteman, 1993: 576).

2.3.2 Patrimonialism and land policies: The demise of the agricultural sector

In order to understand the once flourishing inter-riverine area of southern Somalia one needs to examine the inhabitants of this triangular region bordered by the Shebelle and Juba rivers. Due to the ecological nature of this region it has become known as the metaphorical "bread-basket" of Somalia, deemed prosperous for livestock, agriculture, pastoralism, agro-pastoralism and economic trade.

This area is predominantly inhabited by the Dighil and Mirife groups, but a large area is also populated by the Hawiye. In the past this was Italian Somaliland. The accumulation of these groups in the inter-riverine areas has led to a diverse and complex clan and sub-clan system. It has been mentioned by Mukhtar (1996: 546/7) that, irrespective of the diverse clan lineages, the societies in this region managed to establish two significant traits. The people predominantly settled in their pastoral and sedentary lifestyles, and established a unique system of social organization. This system required the consent of all parties involved in the region.

In the few years prior to the coup of 1969, the government discriminated against the clans of the inter-riverine region (Mukhtar, 1996: 549). In a process of land reform, the government forced small land owners to sell their properties to nomadic clans and government officials. Due to the subsistence nature of the new landowners, the once prosperous farms went to waste, resulting in a shortage of produce from the area. Far from mere occupation of land, the government also centralized the ownership of the wealthiest sugar, banana and livestock plantations (Mukhtar, 1996: 549).

The situation worsened when Siad Barre - who was a Darod, took power in 1969. By means of a resettlement scheme, the most fertile areas of the Juba/Shebelle valley were taken from its rightful owners in 1974 and given to members of the Darod clans. This was land redistribution through land invasion and nationalization. Such legislation did not only disadvantage the rightful owners of land but advantaged government land. As a socialist measure, the Co-operative Law of 1973 and the Land Law of 1975 removed any limits as to the size and output of state-farms (Mukhtar, 1996: 550). Land was thus nationalized. Government owned farming forced private producers out of the all ready limited market.

The regime of Siad Barre then became the largest contributor to the demise of the Somali agricultural sector. The constant tension between the landowners, farmers and the governmental *liberators*, eventually added to the mass land seizures of the 1980's (De Waal, 1996: 2). The landowners would not be given back their land and Barre only further crippled the already deprived agricultural system.

Pastoralists continued to use the port of Berbera in the north for their livestock exports but, mismanagement by the Barre government, detrimentally affected this sector as well.

2.3.3 Civil wars since late seventies

2.3.3.1Warlords and clan conflict

Under Barre the economy deteriorated, especially the security of food sources. While resources dwindled, clans and armed militias began to respond to state oppression (Elmi and Barise, 2006: 35). As Barre centralized power and banned all opposition groups, it soon became clear to the Somali people that he would become the very force of oppression he once opposed.

By outlawing opposition groups and parties, Barre unknowingly laid the foundation for his eventual downfall 21 years later. After losing the Ogaden War against Ethiopia, civil wars erupted throughout the country and led to the formation of various guerrilla opposition groups from 1978 onwards.

In the aftermath of the Ogaden War, which created more civil unrest and clan dispersion, military officers attempted to overthrow Barre in 1979. This failed attempt unleashed oppression by Barre on the clans and sub-clans affiliated with the failed coup. At that stage of the revolt, Somalia and Ethiopia (due to the Ogaden War) directly opposed each other. It was thus no surprise when groups who were formed to challenge the Barre regime, were given refuge and aid by the Ethiopian government. With no democratic mechanism to raise their discontent, and increasing state oppression, these groups had no alternative but to turn to violence.

Central to understanding the Somali civil war and the contributing tribal culture and clan identity, is the constant battle between clan-based militia to seize control of power and resources such as livestock, ports and water sources. Such conflicts usually revolved not around the resources itself but also the territory surrounding them. As mentioned by Elmi and Barise (2006: 34/5), control of key cities, ports, airports and checkpoints became closely contested, for example certain clans such as the Abgal and Habargir never had a history of disagreement, but during this time contested assets like the Kismayo port.

As no central law authority was present to settle clan-based disputes, the clans turned to the traditional legal system of Xeer (Elmi and Barise, 2006: 33; Samatar, 1992: 630). This system of clan law, which did not frown upon the use of violence, was used to safeguard societies from threats, to settle disputes and to ensure a form of social justice (Adam, 1992: 16). This strengthened clan rule at the expense of state rule and opened the public space for warlords.

Adam (1992: 21) mentions sources that proclaim that: "…the term warlord ordinarily designates a man who was lord of a particular area by virtue of his capacity to wage war. A warlord exercised effective control over a fairly well-defined region by means of a military organization that obeyed no higher authority than himself' …". In Somalia, one such warlord was Mohammed Farah Aideed who took "control" after the state collapsed in 1991, as will be explained later.

2.3.3.2Western aid suspension – 1989

The unsuccessful coup to oust the Barre government led to oppression against the involved Majerteen clan, who was part of the Darod. The rebellion was quickly crushed by Barre's army but the surviving leaders formed the Somali Salvation Democratic Front (SSDF), with its headquarters in Ethiopia. The SSDF launched guerrilla attacks across the border on Somali forces with the help of Ethiopian soldiers. This angered Barre even more and he was quick to unleash further brutal and discriminatory oppression against the Majerteen clan in north-eastern Somalia (Ahmed and Herbold Green, 1999: 118).

In 1981, another opposition group was formed. Initiated by the Isaaq clan, the Somali National Movement (SNM) started raiding government facilities and attacking Barre's officials (Clark, 1992: 111). As expected, Barre increased his levels of oppression on the

Isaaq clans in northern, former British Somalia. At the time of state collapse in 1991, the Isaaq took the lead in the secession of Somaliland.

During this time, the Ethiopian government was also struggling to contain internal warfare and in a move to stabilize the chaos, Mengistu of Ethiopia and Barre of Somalia agreed to formally stop supporting rival militia groups operating from in their own territories (Clark, 1992: 111). This was no good news for the guerrilla groups such as the SNM who were stationed in Ethiopia. Fearing Ethiopian reprisal, the SNM moved back into Somali territory (Clark, 1992: 111). This move played straight into the hands of Barre. In order to once and for all silence any opposition to his regime, Barre attacked Hargeisa, the regional Isaaq capital in northern Somalia. Unable to defeat the guerrilla and rebel forces, Barre killed thousands of civilians, sending the SNM supporters fleeing back into Ethiopia. In 1989, the United Somali Congress (USC) was formed by the initiative of the Hawiye clans under the leadership of Farah Aideed (Ahmed and Herbold Green, 1999: 117). After his altercations with the SNM, Barre unleashed his troops on the Hawiye populace in Mogadishu, yet again killing civilians.

In killing thousands of civilians and the nature of Barre's suppression of the clans in Somaliland and central Somalia led to the suspension of humanitarian efforts and aid by Western donors in 1988/89 (Lewis, 2002: 262). When the Soviet Union supported the Ethiopians during the Ogaden War, the US supported Somalia. But after the genocide, ordered by Barre on rival clans, the US formally halted all ties with Somalia. The same applied to food aid. With the demise of the agricultural sector under Barre's rule, Somalia became heavily depended on foreign food aid and imports to counter increasing levels of famine and hunger. The suspension of western aid, in all humanitarian forms, thus only crippled an already impoverished nation.

2.3.3.3 State collapse – 1991

The collapse of Somalia was long in the making: loosing the Ogaden War against Ethiopia, the escalating food crises, Barre's repression, and the rebellion by warlords, ultimately led to the demise of the state.

Added to the war, was not only the strain put on the economy due to the demise of the agricultural sector, but also international sanctions. What also angered the Somali people was the unwillingness of Barre to hand over the nation to a civilian government, one of the great promises made in 1969 when he took control of the state. By 1990, Barre's power barely stretched outside Mogadishu and in January 1991, the dictator was driven from Mogadishu by Mohamed Farah Aideed, leader of the United Somali Congress (Lewis, 2002: 262). Aideed was neither an irredentist, nor a secessionist. He was also not a state-builder: only a warlord, as will be described hereunder.

The actions of Aideed threw the door open for all faction leaders to try and establish themselves as the new government (Powell, Ford, Nowrasteh, 2008: 657). Somalia was left in a power vacuum, for any militia or faction to fill. What resulted was the death of thousands, not only in the capital, but in other areas of Somalia where no law and order was upheld. Eventually, with the collapse of all formal governmental institutions, the state of Somalia collapsed in 1991. What followed were at least fifteen failed peace conferences and agreements since 1993.

2.4 Mohamed Farah Aideed and the politics of hunger

2.4.1 The secession of Somaliland – 1991

The relationship between Somalia and Somaliland may be compared to an arranged marriage. Caught up in the nationalistic hype, the former British colony, pressurized by its peers, was combined with the other colonial regions to form Somalia. Independent by nature, the Somaliland nation was sceptic about this process but agreed, as it was a small price to pay for the ultimate goal of a greater Somalia at the time of independence in 1960.

Sadly, the marriage was characterized by constant abuse. In medieval wedlock fashion, the bride, promised wealth and prosperity, became victim to domestic violence and tyranny. In

the aftermath of the civil war of the 1980's, the Barre regime had a negative impact on Somaliland. It has been estimated that due to mass executions, aerial bombardments and ground attacks, more than 150 000 people lost their lives. In the northern city of Hargeisa an estimated 50 000 people died (Ahmed and Herbold Green, 1999: 119). In search of SNM operatives, government troops pillaged villages and farms, raped and killed herders and farmers.

The livestock trade, once the backbone of Somaliland's grazing, was crippled as government troops destroyed and poisoned wells. In 1988 the government also closed the port of Berbera. With more than 1.2 million livestock exported through this port annually, its closure ruined the animal trade (Ahmed and Herbold Green, 1999: 119). Irrespective of such destructive acts, the mere presence of the war and conflict ruined functional cattle and camel networks.

Barre's repression of the Isaaq played no insignificant role in making them feel excluded and unequal in Somalia. This ill-treatment, the final blow being the mass executions in Hargeisa, justified Somaliland to desert the abusing spouse. With the fall of Siyad Barre in 1991, the regime change in north-western Somalia took place in a peaceful manner. The SNM spread their authority not by force but by a process of reconciliation with clan elders. In May 1991, senior elders of the Isaaq, Harti and Dit clans, together with the leadership of the SNM, gathered in the town of Burco (Bryden, 2004: 24). The intention of this meeting was not to discuss any plans of secession but rather to consolidate the vote to end hostilities and discuss the future of the north (Bradbury, 2008: 80). This all changed as the USC proclaimed an interim government in the capital without consulting the SNM. Grieved by these actions, the clans within the SNM started to become sceptical of a continued alliance with southern Somalia. With pressure from armed movements, foreign aid suspension and the negative impact of structural adjustment programmes (SAPs) on the economy, the state of Somalia held no potential for the north (Bradbury, 2008: 81). Disillusioned by the south, the SNM eventually succumbed to pressure by the Isaaq clan and SNM followers and on 18 May 1991 Somaliland officially declared its independence from Somalia (Bradbury, 2008: 81). Named the Republic of Somaliland, it reverted back to its original independent status by revoking its unification with Italian Somalia in 1960 (Lewis, 2002: 282; Lewis, 2008: 75)

2.4.2 Drought, hunger and food aid – Humanitarian relief and the "food weapon"

The humanitarian crisis that erupted in Somalia after Siyad Barre was controversially driven from Mogadishu, was accompanied by state collapse, the rise of warlords and drought, poor rainfall and the rise of food prices.

Driven from Mogadishu, Barre's following, mainly Darod, settled in the inter-riverine valley between the Juba and Shebelle rivers where other clans such as the Hawiye live. This land invasion destroyed production. From there they continued their destruction by harassing small villages and chasing peasant workers off their farms. This was the same once illustrious area known for its agricultural value. As agriculture was destroyed in this region, and due to the presence of an abundance of militia and armed groups, this area became known as the *triangle of death:* the triangle between Mogadishu, Kismayo and Baidoa *(*Ahmed and Herbold Green, 1999: 120).

The agricultural demise in Somalia was not only due to human intervention but also environmental hardship. Repeated droughts, irregular precipitation and a lack of storage facilities fundamentally injured Somali agriculture. At the height of the conflict, a major drought hit southern Somalia, killing over 300 000 people (Mubarak, 1997: 2030). The lack of rain also finally destroyed the last remaining aspects of Somalia agriculture and Puntland in the northeast also suffered. The ensuing repercussions were devastating as the drought led to widespread famine. UN data revealed that during the civil war in Somalia, food consumption increased whilst average food production dropped (Farzin, 1991: 262/3). At the same time, the total food production decreased and remained constant at best. This meant that Somalia was left with an increasing food gap and dependency on foreign food sources through imports. The conflict in Somalia soon caught the attention of foreign aid agencies which were quick to send relief, in the form it was most required –food. Even before state collapse, Somali food aid imports grew by more than 30% per year in 1984 (Farzin, 1991: 265). Food aid, as a percentage of total food consumption increased from 4% in 1974 to 34% in 1984 (Farzin, 1991: 265). Subsequently the price of food in Somali increased exponentially and couldn't be afforded by the populace. Due to a lack of food, thousands of Somalis fled to refugee camps set up by aid agencies, near the capital Mogadishu. With an estimated 250 000 refugees fleeing their homes, the Somali populace became widely displaced (Ahmed and Herbold Green, 1999: 121).

This created the opportunity for warlords to turn to food as a weapon of war. Faction groups knew that if they controlled the resources they would control the people. The scarcest resource would also be the most sought after. In the case of Somalia at the height of civil unrest, food proved to be the scarce resource in question. Food became a weapon, heartlessly yet masterfully used against the people of Somalia.

As food relief poured into the Somalia, factions took control of various ports and distribution channels, seizing food aid. The most prominent of these factions was run by Mohamed Farah Aideed, the faction leader who chased Siad Barre from Mogadishu. Chairman of the United Somali Congress and later the Somali National Alliance (SNA), he harassed the humanitarian workers and aid initiatives. The numerous factions, headed by what was now famously known as warlords, knew that by gaining control of parts of the country, they would also gain control of some sources of aid. Looted food was used to compensate followers for their support. This merely intensified the conflict. The food seized was then also sold at unreasonable prices, the revenue funding more conflict. If not seizing food shipments, warlords who controlled the infrastructure levied taxes on incoming aid (Lewis, 2002: 267). Other militia groups offered their services as protectors of food convoys, also at a very steep price. The militarization of society became a fundamental characteristic of Somalia.

It might be that the food weapon initiated the idea that would eventually result in robbery and piracy at sea.

2.4.3 The United Nations and Unites States of America: Operation Restore Hope

At the height of the humanitarian crisis the civil unrest was fuelled by the internal power struggle that divided the USC. In hot pursuit of Siyad Barre after chasing him from Mogadishu, Aideed returned to find Ali Mahdi, the political leader of the USC, as the self-proclaimed head of the new Somali "government". The rivalry between these two faction leaders in Mogadishu left in its wake a scene of immense destruction and killing. Fleeing to the south, Siyad Barre's troops continued to wreak havoc amongst the inter-riverine people.

Amidst such violence, the West, led by the actions of the United Nations continued to send aid to Somalia. Their efforts proved to be a daunting task, due to the dangers of entering Somalia. Eventually in March 1992, a ceasefire between the forces of Ali Mahdi and Aideed

was negotiated. This enabled foreign institutions and the UN to resume the humanitarian relief and 50 unarmed observers were sent to Mogadishu.

The initial aim of the UN's activities, under the rule of Mohamed Sahnoun, Special Representative of the UN to Somalia, was only to oversee the successful distribution of humanitarian aid (Lewis, 2002: 267). Subsequently in pursuit of these objectives, the UN Security Council officially launched the United Nations Operation in Somalia (UNOSOM) in April 1992 (Crocker, 1995: 3). At first unwilling to enter the fray, the United States in association with the UN Security Council, launched UNITAF in December 1992. Comprising of 28 000 American and 5000 other national troops, UNITAF would officially become known as Operation Restore Hope (Meredith, 2005: 476).

In essence, UNOSOM was successful in keeping peace in Somalia, gradually easing the famine and starvation. It has been estimated that 10 000 people were saved from certain death (Meredith, 2005: 477).

With relief given, the United Nations was adamant to replace UNOSOM with UNOSOM II. The latter was tasked with setting up a government, security force, justice system and to rebuild the Somali economy (Meredith, 2005: 478). On 1 May 1993, barely a month after the UN led agreement of total disarmament between leading warlords and militia, UNOSOM II officially took over from UNOSOM. Its goal was to enforce peace by all means possible (Koko, 2007: 11).

By this time Aideed, the most prominent warlord, became increasingly convinced that the efforts of the UN and US was to oust him from power. These suspicions led to a large propaganda effort to falsify the intention of the peace keeping forces and urged all Somali to resist any foreign action (Meredith, 2005: 479). These actions of militia and normal Somali citizenry eventually led to the death of 26 Pakistani soldiers serving the UN forces (Woods, 1997: 2). Calling for justice and punishment of the people involved, the UN and its US based leadership, proclaimed war on Mogadishu (Lewis, 2002: 272).

The outcome of this proclamation eventually led to more bloodshed as the US fiercely launched into Mogadishu with their superior firepower, as to flush out Aideed (Clarke & Herbst, 1996: 80). The casualties were immense and the efforts, more done in revenge, only

affirmed the propaganda of Aideed, whose actions made him the liberator, trying to protect the Somali people. It ended disastrously with the "Black Hawk Down" incident when insurgents shot down US helicopters (Bolton, 1994: 65). Eventually, by the direct command of President Clinton, the American forces were withdrawn. What followed were the era of fruitless peacemaking as well as the first acts of robbery at sea and piracy on the high seas. Islamists also began to emerge as a prominent political force in Somalia.

2.5 The failed state: Post – Barre and Post – Aideed

2.5.1 Statelessness, clan rule and the endless search for peace: Failed peace agreements

In the absence of state rule, warlord and clan rule came to the fore. In general, Somali clans are divided into six clan families that can be broken down into various sub-clans (Vinci, 2006: 78). These mentioned clan families are the Darod, Dir, Hawiye, Isaaq, Rahanwein and Digil (Vinci, 2006: 78; Meredith, 2005: 465). In the Somali society the first three mentioned clans are considered the "pure" Somalis whereas the later two are deviations (De Waal, 1996: 5). According to Alex de Waal these distinctions hold, other than social construction after colonization, no historical or biological truth (1996). Because clans have always played an important role in the management of areas occupied by foreign forces, any entity, entrepreneur or political organization need the support of the clans in order to be successful on regional and national levels. The influence of such mentioned clans is so great that in order to mobilize any action and to compete for resources clans joined together to form factions (Vinci, 2006: 78). In order to increase their power such factions have become instilled in all aspects of the Somali society. This has led to the formation of an abundance of armed groups that since the fall of the official Somali government in 1991 "controlled" most aspects of society.

To stop the conflict in Somalia, even before Aideed's death, many international actors urged clans and business leaders to sign peace treaties and establish an effective government. Such calls to end the civil war led to peace conferences such as the ones in Djibouti (1991), Addis Ababa (1993), Cairo (1997), Arta (2000) and Mbagathi (2004). These conferences all devised "solutions" to the conflict, yet failed in its implementation of a government that could further such goals (Elmi and Barise, 2006: 39). The question is: what is the biggest problem with peace? Is the conflict too intractable or was it bad agreements?

The UN directed all their energy at supporting centralized peace and government building initiatives. If they focused more on a decentralized notion of state building, through the help of ground-level leadership such as influential clan leaders, the UN could have supported greater Somalia to achieve similar results as in Somaliland, which had revoked its unity in 1991.

One of the most promising was the Djibouti initiative in 1999. This conference held in Arta, saw for the first time a peaceful gathering of opposing clans, business leaders, private organizations and intellectuals (Koko, 2007: 10). The outcome of this conference led to the formation of the Transitional National Assembly (TNA). The TNA appointed Abdiqasim Salad Hassan as its president, and named a prime minister and a fully "functional" cabinet. Although officially recognized by the OAU, the UN and the Intergovernmental Authority on Development (IGAD), the TNA's rule barely stretched beyond Mogadishu. In 2001, the government was brought to a halt by a vote of no-confidence.

The Arta conference, also dubbed the Guelleh Initiative as to honour the ambitious efforts of the Djibouti leader, Omar Guelleh, eventually failed due to the efforts of Ethiopia and the refusal of Somaliland and Puntland to take part in the discussions. In 1991 Puntland also embarked on a process of separate state building. Although still part of the larger Somalia, Puntland achieved much the same results in establishing some form of self-rule. In 1998 Puntland was declared an autonomous region yet still favours a unified federal state of Somalia.

In the aftermath of the Arta conference, the formation of the Transitional National Government did not please Ethiopia, which started rallying all clan and faction leaders who opposed the Arta conference. In direct opposition of the TNG, Ethiopia organized opposition leaders to create the Somali Restoration and Reconciliation Committee (Elmi and Barise, 2006: 42). By doing so Ethiopia called for new peace talks, organized by Kenya in 2002 which led to Mbagathi in 2004.These peace talks led to the formation of the Transitional Federal Government (TFG) in 2004 (Ansems, 2007: 99).

As the TFG, based in Baidoa, was expected to bring to Somalia peace and stability, the Darod-led government (same as under Barre) was opposed by the Hawiye clans (same as under Aideed) in the capital. Yet again, the inter-clan rivalry would deter Somalia's chances

at reconciliation, as the clans opposing the TFG refused to accept the existence of the governing force. This led to factions, still supported by heavily armed militia, to violently contest Mogadishu. As no central force could impose law and order, the Somali populace, still deeply relying on their clan affiliations, took law in their own hands. This may explain two things: Piracy emerged in Puntland and by then the Union of Islamic Courts also mobilized to oppose Western and Ethiopian influence in Somali politics

2.5.2 Famine in Puntland: The significance of maritime resources inside coastal waters

Although the autonomous region of Puntland has achieved a considerable amount of success in the wake of the Somali civil war, the region has not been spared environmental hardship. Since declaring itself autonomous in 1998, Puntland, and the areas of northern Somalia were plagued by severe drought.

In 2003, the United Nations World Food Program (WFP) distributed 732 tons of mixed food commodities to areas in Somaliland and Puntland that have been hit the hardest by the drought (UN, 2003). Focusing on the aged, malnourished children and the disabled, the WFP aided more than 77 000 people in northern Somalia in 2003 (UN, 2003).

The climate in Puntland can be described as semi-arid, with weather conditions favouring grazing pastoralism (Government of Puntland, 2009). Although the majority of the region endures tropical desert heat, certain areas such as the plateau regions around Mudug and Sool, are prone to cooler climates (Government of Puntland, 2009). The intense climate means that the majority of all Puntland agricultural activities rely heavily on two rainfall timeframes. It is because of severe drought between those rainy seasons that agricultural and food producing sectors in Puntland have been crippled, resulting in widespread famine, malnutrition and poverty, in the wake of the Barre legacy.

As rainfall is stretched to a maximum of 400mm per year in the rainiest parts of Puntland, the rural populace relied heavily on water catchments as source of drinking water (Government of Puntland, 2009). However, there are also no major rivers in Puntland. As rainfall reduced, the direct source of water was thus taken from these people. The humanitarian crisis in Puntland has led to a severe use (abuse) of the remaining pastoralist livelihoods. For example, the environment has been exploited with the cutting down of trees, to be sold or used as charcoal

(UN, 2006). It is for this reason that organizations such as the UN and the Food and Agriculture Organization have reported that sustainability projects need to be launched in order to protect the last remaining livelihoods (UN, 2006). At this time, fishermen had began to commit acts of robbery at sea when foreign trawlers were hijacked inside Somali fishing zones, and their freight brought to ports in Puntland.

Aggravating the crisis in Puntland was the effects of the 2004 tsunami. It has been estimated that the tsunami effected over 40 000 people and left in its wake, loss of life, destruction of infrastructure, damage to water sources and loss of livelihood assets (UN, 2006). In the aftermath of the tsunami, combined with recurrent droughts, it has been estimated by the Food Security Analysis Unit (FSAU) (2006) that over 65 000 people in Puntland are facing a food and livelihood crisis.

To ease the suffering of famine and poverty, and to relieve the abuse of rural livelihoods, it has been encouraged to explore the benefits of the coastal waters of Puntland and Somalia (UN, 2006). Realizing that the ocean can be a source of food and income for the hungry people of Puntland, the UN compiled a feasibility report as to the fishing sector in Somalia. Devised in 2006, this report highlighted the potential of fishing resources for subsistence use and commercial utilization.

An interesting finding of the report was that the overall consumption of fish in Puntland has increased significantly over the last decade. The report states three reasons for this increase. Firstly it is mentioned that due to the Somali civil war, thousands of people have lost their land assets and thus became poorer. Unable to afford other food, they began to rely on fish products for their daily protein intake. The second reason for the increase in fish consumption is the recurrent drought that has forced many nomadic pastoralists to move to urban centres, such as the coastal town of Eyl, and take up fishing as a means of livelihood. Lastly the report found that a large number of farmers are becoming seasonal fishermen, during the times that they cannot work their lands due to bad rainfall.

It is thus clear that the harsh conditions in Puntland during the turn of the century, has forced many people to rely heavily on the rich maritime resources found off the coast of Somalia. With the longest coastline in Africa, and the importance of its maritime resources to the preservation of Somali livelihood, it has become clear that the people of Somalia view its

coastal waters as a rich asset that should be protected at all costs. Meanwhile the sea robbers became pirates as merchant shipping in the Gulf of Aden, outside Somali coastal waters, were also hijacked. In this instance food was not retrieved but huge ransoms were asked from shipping owners, in exchange for the release of crews and cargo. This raises the question about "who benefits" from these huge sums of money.

2.5.3 The rise and fall of the Union of Islamic Courts (U.I.C)

2.5.3.1 Taking power – 2006/07

Although the rise of the Union of Islamic Courts originally took place as Somalia fell into civil unrest, it only became significant in 2005/06. Initially the courts emerged due to the general lack of safety and security in Somalia. Clan involvement in war-torn neighbourhoods was welcomed (Marchal, 2007: 3). These clans formed Sharia Courts of law, deeply embedded in Islam, to uphold safety and security to stop robberies and to end criminal activities (Marchal, 2007: 3). In 2006, these courts grouped together in what is commonly known as the Islamic Courts Union (Barnes and Hassan, 2007: 2). It can thus be said that the Union of Islamic Courts was a type of judicial system, pledged to regain law and order in an otherwise chaotic state. Deeply religious and predominantly Muslim, many Somali citizens grew tired of the constant violent conflict and supported the UIC cause.

Meanwhile the Transitional Federal Government was formed in Somalia. Even though this government was internationally recognized and supported by the West, the Somalia people perceived the TFG to have been implemented without the consent of the Somali public (Ansems, 2007: 100). Supported by Western aids, the TFG was thought to be built on foreign principles, thus in direct contrast to that of the Muslim Somali people. The UIC took it upon them to actively oppose the TFG.

As the UIC defended a large part of the populace against the lawless state of Somalia, it also opposed the warlords and factions leaders, who were largely responsible for the chaos. The faction, leaders, together with other militia groups eventually founded the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT) (Barnes and Hassan, 2007: 4). During this time, two of the faction leaders, Bashir Rage and Abuker Omar Adane, were involved in a struggle to seize control of the port of El Ma'an, a profitable passage to export coal. Eventually Bashir Rage sided with the newly found ARPCT, whilst the UIC firmly supported

Adane, sparking the UIC's efforts to capture the capital from the TFG (Marchal, 2007: 4). The struggle heightened in 2009.

By the time the UIC started its offense to capture Mogadishu, it had the support of most of the Somali people, whilst the Islamic Courts proved to be in favour of the restoration of peace and security. Backed by highly-motivated militia, the UIC quickly swept through Mogadishu and by June 2006, the UIC drove the last remaining warlords from the capital.

This was a startling achievement as the UIC managed to restore some form of order in the capital for the first time in over 16 years. Rubbish was removed, sea and airports were reopened and illegal land reforms were stopped. The eventual aim of the UIC was to convert Somalia to a system of governance based upon *sharia* law (Barnes and Hassan, 2007: 4). However, Ethiopia supported by the United States, struck back to remove the UIC from power as it undermined the TFG and allegedly had links with Islamic terrorists.

2.5.3.2 Capitulating to US and Ethiopian Invasion – 2007

As to the minimum effort and resistance to capture Mogadishu, the UIC started to extend its power into greater Somalia. By September 2006, the Courts captured most of Somalia, including Harardhere in Puntland and Kismayo and Jowhar in the South.

In Baidoa, the TFG was still holding out to the UIC insurgency. It quickly became clear to the TFG and neighbouring countries such as Ethiopia that the UIC also strived towards larger goals. Ethiopia feared that the UIC would aim to unite the Somalis still present in the Ogaden plains of Ethiopia. Soon after, the UIC stated that they indeed aimed at uniting the ethnic Somalis with the "motherland" (Barnes and Hassan, 2007: 5). Eventually the Ethiopian government declared that the Courts pose a "clear and present" danger to its sovereignty. In December 2006, Ethiopia once again invaded Somali territory. The Ethiopian forces, trained with the help of the US – fearing that the UIC might have links with al-Qaeda, and global terrorism - were far superior to the informal troops of the UIC and quickly overran the opposition who fled back to Mogadishu. On 27 December the UIC officially "resigned" their power over Mogadishu and fled the capital as Ethiopian troops approached (Roggio, 2006). The UIC relocated to Asmara, the capital of Eritrea – a country that has always been hostile towards Ethiopia.

Although the direct US involvement in combating the spread of the UIC was limited, the American forces took note of Islamic activity within Somalia. In the aftermath of 9/11 Somalia was identified as a potential al-Qaeda base. One organization, Al-Ittihad Al-Islami, was believed to have contacts with Somali businessmen and politicians within the TFG and was subsequently put on the US list of threatening terrorist groups (Marchal, 2007: 2). With the consequences of the last US intervention in Somalia during the early 1990s still fresh in the minds of Washington officials, they were weary as to yet again become involved in Somalia. Certain literature has indicated that the US didn't want any intervention to result in Somalia becoming an African Iraq (ICG, 2005: 3; ICG, 2006: 17).

For these reasons, the US set up a military base in Djibouti, where France still had a big influence. Forming part of Operation Enduring Freedom, this camp was used to monitor the spread of terrorism in the Horn of Africa and, relevant to later discussions in this thesis, combat piracy as part of the Combined Joint Task Force.

2.5.3.3 Islamic insurgency: Al-Shabaab and Hizbul Islaami

Resigning their power over Mogadishu, the Union of Islamic Courts' leadership fled into southern Somalia, occupying the towns of Jilib and Kismayo. Driven into the Jubba valley by the allied forces, the Islamists went into hiding. They launched a guerrilla war against the Ethiopian and TFG forces (Hanson, 2009). Although superior in force to the insurgents, the Ethiopian and TFG troops found it difficult to contain the opposition which relied on cunning hit-and-run tactics.

As from April 2007, the allied forces were of the opinion that the insurgency was defeated and started to withdraw their forces from key positions. This proved a window of opportunity for the Islamic forces who quickly re-occupied most of its former territory. In December 2007, the Transitional Government issued a statement mentioning that more than 80% of Somalia was not under government control, an indication of the yet rising power of the UIC (Aljazeera, 2007).

By this time the former UIC, merged with other Islamic organizations to form the Alliance for the Re-liberation of Somalia (ARS) (Sorenson, 2008: 11). Two of the most notable of such

Islamic organizations that joined the insurgency against the Ethiopian and TFG troops, was al-Shabaab and Hizbul Islaami.

Originally the youth wing of the UIC, al-Shabaab developed into an independent insurgency group in the wake of the defeat of the UIC in December of 2006 (Hanson, 2009). Al-Shabaab was firmly opposed to all foreign interventions in Somalia (read, Ethiopia supported by the US) and declared to combat the peacekeeping mission of the African Union, *AMISO*, with its mostly Ugandan troops. It has been estimated that conflict between al-Shabaab and the government force caused 400 000 people to flee from the capital (Hanson, 2009).Responsible for numerous violent attacks on the TFG, al-Shabaab claimed a significant victory by defeating government forces and recapturing the port of Kismayo in August 2008. The United States deems al-Shabaab a terrorist organization, and the affirmed links between al-Shabaab and al-Qaeda, justifies the involvement of the US in the politics of Somalia. Al-Shabaab was also implicated on an abortive attack on an Australian military base outside Sydney in August 2009.

Working in unison with al-Shabaab, the newly formed insurgency group Hizbul Islaami, joined four Islamic groups together. The group actively opposed any notions of a Transitional Government. At the beginning of 2009 Islaami, together with al-Shabaab launched further attacks on Mogadishu in response to the moderate Islamic groups having peace talks with TFG officials.

With the withdrawal of Ethiopian troops, insurgent groups eventually overran the TFG stronghold in Baidoa at the beginning of 2009. The collapse of the TFG and in the aftermath of the Djibouti Peace Agreement in 2008 led to a new coalition government, led by former UIC leader, Sheikh Sharif Ahmed (Menkhaus, 2009: 226). Yet, the nation still remained in search of leadership.

It seemed that Somalia was finally on the verge of peace and reconciliation, as government officials and Islamic insurgents formed the ARS-TFG, joining the ARS and the TFG. This proved to be bridge too far as radical Islamic groups, such as above mentioned al-Shabaab and Hizbul Islaami who rallied religious support to oppose this coalition government. To this day they are fighting to overthrow Ahmed's government, whom they deem too moderate to impose a state based on sharia law. Meanwhile international efforts aimed at securing the Gulf

of Aden, as well as Somali coastal waters from Puntland robbery and piracy began to succeed. Whether lawlessness at sea will be stopped is not clear. Meanwhile the question should be raised if there is a link between the pirates and the Islamists. This study investigates this notion.

CHAPTER 3

Piracy and contributing actors off the Somali coast

3.1 Modern day piracy

3.1.1 Defining piracy and robbery at sea

A suitable definition is required in order to frame maritime piracy. It is for this reason that a conceptual clarification should be made about acts of maritime piracy and armed robbery at sea. Definitions of piracy are often synonymous with the concepts of privateers and buccaneers and are often considered to be one and the same. In order to clarify any ambiguity, this thesis makes the distinction between piracy (pirates), armed robbery at sea, privateers and buccaneers.

The definition in the United Nations Convention on the Law of the Seas (UNCLOS III) is widely regarded as the most thorough description of maritime piracy. This treaty replaced two former Geneva Conventions on the law of the sea – UNCLOS I (1958) and UNCLOS II (1960). UNCLOS is the sole international treaty that stipulates the rights and responsibilities of states in their use of the world's oceans. Addressing the management of the world's oceans and its marine resources by individual states, the treaty defines maritime piracy as set out below.

Article 101 of the UN Convention on the Law of the Sea (effective as of 16 November, 1994) states that piracy consists of:

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i) the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with Knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

This treaty contains specifications of a state's jurisdiction over its coastal waters and the high seas. These aspects will be addressed in later parts of this chapter.

The definition of piracy as stated in the UNCLOS is also used by the International Maritime Bureau (IMB), a specialized division of the International Chamber of Commerce (ICC), and the International Maritime Organization (IMO) to describe acts of piracy.

The IMB, in its 2008 report on piracy and armed robbery against ships, uses the following definition to declare acts of piracy: "An act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent of capability to use force in the furtherance of that act " (IMB, 2008: 3). The IMB states that this definition includes actual or attempted attack whether the ship is berthed, at anchor or at sea (IMB, 2008: 3).

To distinguish between acts of piracy and acts of armed robbery at sea, the IMO declare armed robbery against ships as: "any unlawful act of violence or detention or any act of depredation, or threat thereof, other than acts of 'piracy', directed against a ship or against persons or property onboard such ships, within a State's jurisdiction over such offences" (IMB, 2008: 3).

These definitions and the distinction made between acts of armed robbery at sea (within coastal waters) and acts of maritime piracy (outside coastal waters, i.e. on the high seas) will prove to be telling factors in addressing the what/why of the Somali pirates operating in the Gulf of Aden/Indian Ocean.

In contrast to pirates, privateers were considered legal agents of a state, almost like modern day militia. From the 16th to 19th centuries the actions of privateers formed part of official naval warfare. A privateer can be described as privately owned and operated warships which

were commissioned and then granted a license by a national government to capture and seize the shipping assets of enemy states (Anderson and Gifford, 1991: 100). The granting of such licenses thus gave ships *legal right* to capture enemy ships and privateering was considered an integral part of naval warfare for centuries (Anderson and Gifford, 1991: 105).

Sir Henry Morgan, considered by many as one of the most successful pirates of all time, was actually a Welsh privateer. These privateers were not under the command of a certain navy but were restricted to certain activities by an agreement with the nation it was commissioned by. On numerous occasions it happened that privateers breeched these contracts and turned rogue (Konstam, 2005: 74). One such example was William Kidd, a successful British privateer who turned to piracy and was eventually hanged for his crimes.

Similarly, the term buccaneer has been interpreted to have the same meaning as the concept of a conventional pirate. Although generally regarded as pirates, buccaneers differed considerably from their pirate counterparts in motives and actions. The term buccaneer is derived from the term *buccan*, meaning a wooden frame which is used to cook meat (Konstam, 2005: 74). It has been estimated that the original buccaneers, who were considered to be Frenchman, used such frames to cook their meat on the island of Tortuga (Konstam, 2005: 74). These Frenchmen were known as *boucaniers* in the French language.

Where conventional pirate crews sailed the world's oceans in search of likely targets, the buccaneers were more localized in the Caribbean and focused their attacks on coastal cities and on Spanish and French vessels. They can thus be likened to guerrilla groups who operated on the basis of small-scale attacks on cities in a certain region. Although later crossing the Indian Ocean, buccaneers originally used small crafts to board vessels at night and sail to nearby villages and ports to plunder.

3.1.2 Piracy and the Law

In legal terms the pirate was traditionally considered to be an "enemy of the human race" – *hostis humani generis* (Dubner, 1980: 42). As pirates were considered the enemies of mankind, it was generally believed that all nations should have the right and responsibility to prosecute acts of piracy on the high seas.

The notion that all states should be able to prosecute acts of piracy can be deemed to fall under universal jurisdiction (Caninas, 2009: 21). What makes such an argument more compelling is that universal jurisdiction is often portrayed as referring to the concept of peremptory norms. A peremptory norm in this context refers to a norm that is accepted and upheld by all states and from which no breach is allowed (UN, 1969: 18). There are no formal procedures to identify or establish such norms and all international treaties that breach these norms are considered void. It is generally accepted that genocide, slavery and maritime piracy to name but a few, are peremptory norms which should be upheld by all states. Such line of thinking reveals a complex legal situation as to the characteristics of piracy and the territory in which it takes place.

Acts of piracy, as originally defined by Article 15 of the Geneva Convention on the High seas of 1955, takes place in international waters on the high seas. In contrast, acts of armed robbery take place inside the coastal waters of a state. In the context of international law, this proves to present a difficult situation, especially in cases such as Somalia where the state has almost no coercive power.

If all states are expected to combat piracy in the context of states having universal jurisdiction, then the notion of peremptory norms do not serve justice to prosecute piracy on the high seas. The reason for this is that no single state has jurisdiction over the high seas, as stipulated in the United Nations Convention on the Law of the Seas (UNCLOS). Coastal states would also not warm to the idea that foreign nations roam within their jurisdiction in search of pirates, merely because they are upholding a peremptory norm (Caninas, 2009: 6). If foreign ships are entering a coastal state's territorial waters, operating within universal jurisdiction, then it cannot be said to be looking for pirates anymore, as theoretically piracy only takes place outside the coastal waters of a state. As mentioned, this then becomes "robbery at sea".

Although such technicalities characterize international law, states still pursue acts of piracy and armed robbery at sea across universal jurisdiction, claiming to adhere to the principles of peremptory norms. This being said, the capture of such robbers is considered the easy part of combating piracy. The true test is to prosecute these criminals under a specific law, be that at the hand of international or hardly applied national law. The extent of such legal procedures is vast and worth exploring, yet is not an objective of this work.

3.1.3 Piracy trends in Somalia: 2002 - 2009

Acts of modern piracy and robbery at sea have been common for the past 30 years. Modern piracy hotspots include the Caribbean, the South China Sea, the rivers and ports of Latin America, and the waters surrounding Singapore and Malaysia. Similar attacks became prominent in African waters during the 1970s and 1980s as the continent erupted in coup d'états, guerrilla fighting, civil war and tribal conflict (Konstam, 2005: 183). The Indian Ocean and the Red Sea became increasingly dangerous as ships using the Suez Canal were attacked by liberation movements to fund their activities on land. The large ports of Mogadishu and Djibouti were especially targeted.

After the mid-1990s the number of global piracy attacks decreased. This was until 2002/2003, when the IMB reported an unprecedented number of 445 actual and attempted attacks worldwide. This sudden increase was predominantly due to incidents in the waters of Singapore. As from 2000 however, the number of attacks gradually decreased. But from 2002 onwards, attacks began to emerge off the Somali coast. Foreign fishing vessels were attacked inside and outside its territorial waters.

In 2008, 293 incidents of piracy and armed robbery were reported to the ICC International Maritime Bureau's Piracy Reporting Centre. This increase can be attributed to the unprecedented number of attacks off the coast of Somalia and the Gulf of Aden as merchant shipping was also targeted. Of the 293 global attacks in 2008, 111 took place within the Gulf of Aden and the east coast of Somalia (IMB, 2008: 26). The activities of pirates in these waters included the hijacking of 42 vessels and the kidnapping of 815 hostages (IMB, 2008: 26). Merchant ships were often held for ransom.

The most notable of such attacks include the capture of the MV Sirus Star (the largest ship ever seized), the Ukrainian MV Faina (carrying a cargo of arms) and the successful hijacking and kidnapping of the MV Maersk Alabama and its captain.

Noteworthy of the piracy and armed robbery attacks in and around the coastal waters of Somalia, is the high levels of effectiveness and efficiency with which attacks are carried out. Pirates have not only evolved in terms of their tactics, vessels and weaponry but are also extending their range to attacks far beyond the coastal waters of Somalia to the high seas of the Indian Ocean. Although these groups expanded their range of attack, hijacked ships were still kept in Somalian ports until ransoms were paid.

3.2 Territorial location and geographical significance of Somali piracy

3.2.1 The coastal waters of Somalia

3.2.1.1 The exclusive economic zone (EEZ), the contiguous zone and the territorial sea

According to the United Nations Convention on the Law of the Seas (UNCLOS, of 1994) the coastal waters of a state is divided into three separate areas as defined in the Convention – the territorial sea, the contiguous zone and the exclusive economic zone. Beyond this, is the "high seas".

Article 2 of the UNCLOS (1994: 27), stipulates that the "…sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea." This sovereignty, which may be defined up to 12 nautical miles from a specific baseline, stretches over the airspace of the territorial waters, and includes the sea bed, subsoil, ports, internal waters and all harbours and docks (UNCLOS, 1994: 27). It is here that foreign ships enjoy the right to free passage.

Adjacent to the territorial waters of a state, is the contiguous zone. This stretch of water extends up to 24 miles from above mentioned baseline used to measure the territorial seas of a state. Within this zone a state may exercise the control that shall be needed to prevent and punish infringement of its customs, fiscal, immigration or sanitary laws and regulations.

Bordering the contiguous zone and stretching a maximum of 200 nautical miles from the original baseline is the exclusive economical zone (EEZ) of a state. Stipulated in Article 56 of the UNCLOS, a state has sovereign rights in its EEZ as to explore, exploit, manage and conserve maritime resources, that being living or non-living, in the waters superjacent to the seabed and its subsoil (1994:43). This includes activities for the economic exploitation and exploration of the zone in question i.e. the production of energy using winds, water or currents (UNCLOS, 1994: 43). The UNCLOS outlines the measures as to which a state can conserve and utilize the natural resources. Foreign ships transgressing the national laws of a coastal state may be arrested within these zones

These three zones overlap and the territorial sea and the contiguous zone form part of a states' larger exclusive economical zone. The sovereignty of a state also includes the protection, conservation, exploration and exploitation of the continental shelf.

3.2.1.2 International waters

The international waters of the world, also known as the high seas, refer to all of the world's oceans that are not included in the the exclusive economic zone, the contiguous zone or the territorial seas of a State (UNCLOS, 1994: 57).

In contrast to these waters of a state, the high seas belong to no single nation and no state may lay claim to international waters or declare the high seas as part of its sovereignty. This regulation, as stipulated in Article 87 includes that all states, coastal or land-locked, reserves total freedom over international waters. These include the freedom to over-flight, navigation, fishing, and scientific research (UNCLOS, 1994: 57).

In 1972, the Somali government passed Law No.37 on the Territorial Sea and Ports. In this law the Somali government stipulated its own maritime boundaries as stretching 200 miles from the low-tide mark – this was much wider than normal. This zone was titled as the territorial waters of the Somali Republic. This law also stipulates regulations on innocent passage, fishing, navigation, and the protection and conservation of the areas define within these waters.

This law can prove to be helpful in defining the what and why of the Somali pirates, because it stipulates specific regulations regarding the jurisdiction of Somali laws within the 200 nautical miles. It should be added that this specific law could be deemed null and void for the reason that it preceded the UNCLOS. As Somalia ratified the UNCLOS in 1989, Law No. 37 of 1972 is inconsistent with the provisions of the convention as stipulated above. For the purpose of this thesis, the maritime boundaries and the sovereign right of Somalia shall be as stipulated for all other states as defined above in the UNCLOS. Further, any future reference to the coastal waters of Somalia shall indicate the total area covered by the territorial sea, the contiguous zone and the exclusive economical zone, not stretching beyond 200 nautical miles from the coast. Within these boundaries the problem of this study is "robbery at sea". Outside it is "piracy" (Wilson, 2009:12).

3.2.2 Shaping the nature of Somali piracy: From robbery at sea to piracy

In the definitions of piracy and armed robbery made by the Geneva Convention (UNCLOS III), as adopted by the IMB, the territory in which both acts take place, serves as the defining characteristic that sets both apart in the context of this thesis.

Acts of piracy, as defined in the UNCLOS, is directed against ships and aircraft, or against persons or property on board such ships or aircrafts ***either*** on the high seas, ***or*** in a place outside the jurisdiction of any State.

In contrast, acts of armed robbery against ships is defined as being any unlawful act of violence or detention or any act of depredation, or threat thereof, other than acts of piracy, within a State's jurisdiction over such offences (Wilson, 2009: 14).

In accordance with the Geneva Convention and the UNCLOS, the maritime jurisdiction of Somalia stretches 200 nautical miles from a specific baseline on the Somali coast i.e. well into the Gulf of Aden and into the Indian Ocean. The specific rights within this jurisdiction are stipulated in above discussions as to the territorial sea, contiguous zone, and the exclusive economical zone.

Based on this information it can be stated that acts that take place beyond the 200 nautical miles jurisdiction of Somalia, are deemed to be acts of maritime piracy.

3.2.3 Africa's Tortuga - The Puntland cities of Garowe, Eyl and Haradhere

Although pirate attacks have been registered all over the Somali coast, the home of the modern pirates is not the lawless coast of southern Somalia but rather the autonomous region of Puntland. This area, strategically placed south of the tip of the Horn of Africa is known for its lucrative marine resources, especially the large fish stocks that prove to be a driving force behind the Puntland economy.

It is this dependency on the fish stock that has resulted in the Puntland coast becoming the piracy hotspot of Somalia. As a result of the exploitation of the Somali maritime resources, numerous fishing communities have started to take up arms to protect their source of food and income. It is believed that it is from such acts that the problem of robbery at sea/piracy originated. This will be debated in later parts of this chapter. What has become prominent is that piracy has had an immense effect on Puntland. This effect is most prominent not only in coastal cities such as Eyl and Haradheere but in towns such as Garowe – considered as the "pirate capital" of Somalia. It is also the "capital" of Puntland, which raises questions about government complicity. However, since early 2009, Puntland got a new president who claims that piracy is illegally. Yet, detentions are unknown.

According to citizens of the Puntland region, the pirates are living a lavish lifestyle: "…They have money; they have power and they are getting stronger by the day. They wed the most beautiful girls; they are building big houses; they have new cars; new guns." (Hunter, 2008).

It has been estimated that piracy has injected more than $US 35 million in Puntland in 2008, from ransoms paid by shipping companies (Clayton, 2008). These ransoms range between $US 300, 000 and $US1, 5 million (Harper, 2008). But the question remains whether these robbers/pirates are fishermen protecting their resources, social bandits, criminals, warlords, or perhaps fundraising for al-Qaeda.

In Eyl, the injection of ransom money and pirate operations are clearly visible as little can be done to combat the pirates operating from this port city (Harper, 2008).According to media reports new restaurants are being built and fancy 4x4's are seen driving around the streets (Clayton, 2008). When news is heard that another large ship has been hijacked, people from all over Puntland allegedly flock to Eyl to share in the spoils. Many of these people are related

to clan groups and it has been said that considering the amounts of money coming into Puntland it is impossible that clans or even government agents aren't involved (Clayton, 2008). When French soldiers freed sailors who were kidnapped by pirates, the French president, Nicolas Sarkozy admitted that if the captured sailors were to be taken to Eyl, it would have been too dangerous to try and rescue them (Harper, 2008). The untouchable image of Eyl has led to the suggestion that government officials – despite what the new president claims, are protecting the pirates.

The pirate attacks and the booming success of the industry have also attracted and established a wide network of clientelism. It has been said that the people involved in the actual capture of ships is relatively small. Yet, it is believed that the piracy network is sophisticated and expansive, stretching beyond Somalia. For instance reports have stated that the pirates receive their weapons from arms trafficking networks operating out of Yemen (Hunter, 2008).

What makes the pirate groups so well-liked in these towns is their ability – like Robin Hoods of old, to share the spoils of their crimes. Like in Eyl, in Bossaso, citizens support the pirates: "…they have a lot of money and they can buy everything without even looking at the price. We give them supplies, medicine, food, fuel and clothes when they go to sea to stalk ships and the pay us after they obtain the ransom" (AFP, 2008). The pirate trade has established an informal network providing logistical and political back-up on shore (AFP, 2008). In the absence of a formal government and political and social institutions, such structure is welcomed by the people of Puntland. The pirate groups, bringing with them arms, technology and money, offer the populace security and strengthen the local economy. The pirate industry also requires a newly skilled workforce – the booming local economies attract young, unemployed youth from the interior that eagerly join the pirate groups.

It is believed that the areas surrounding Haradheere – another coastal town, serve as holding stations for captured ships. The pirate groups operating in this area however, don't participate in actual pirate attacks. Captured vessels are brought to the port of Haradheere, where these groups take over from the pirates that captured the ships, until their fate is decided by group elders (Shiiq, 2007).

The pirate towns of Puntland thus closely resemble the classical pirate hideout of Tortuga. This Caribbean town served as base for early 17th century buccaneers who used Tortuga as a

central point of departure from where they launched raids on passing ships. Tortuga was characterized by its lawless nature. Currently part of Haiti, the island of Tortuga is especially prominent in works of fiction. In classical tales of pirates it was believed that Tortuga was a point of refuge for pirates, buccaneers and other seafaring bandits. As piracy increases and the world seem unable to combat the threat to maritime security, the pirates of Somalia may not be as far removed from their 16th century counterparts.

3.3 Foreign exploitation of Somali resources

3.3.1 Pirate fishing – The exploitation of marine resources by foreign fishing vessels

According to the UNCLOS, a state has the sole right, unless otherwise stipulated by national law, over the exploitation, management and conservation of maritime resources within its coastal waters. Unless governed by a formal agreement between the parties involved, no other state possesses such rights within the coastal jurisdiction of a state. If a foreign fishing vessel thus enters Somali waters to catch fish, it immediately transgresses its right to free passage, becomes an illegal fishing vessel and liable to arrest. Being a failed state however, there is no capacity to arrest and criminality takes the place of law and order.

The Somali coastline is not only the longest but also one of the most lucrative fishing areas in Africa. Stretching 3,300km in length, it is home to over 800 marine species such as deepwater shrimp, demersal whitefish, lobster and tuna. With an annual catch of over 18 000 metric tons, the fishing industry contributes $US 3 394 000 (2%) to the country's GDP (FAO, 2009).

Since the fall off Mohamed Siad Barre in 1991 and the collapse of the Somali state, foreign vessels have seized the opportunity to exploit the unpatrolled coastline of Somalia. These boats often make use of illegal fishing methods such as drift nets and explosives (Musse and Tako, 1999: 5). In doing so, they destroy the ocean bed, as their sole purpose is to capitalize on the rich marine resources, irrespective of size, seasonal breeding or non-target species (Musse and Tako, 1999: 5). For example, in April 2000, a Spanish trawler, Al-Bacora Quattro was captured whilst fishing illegally in Somali waters (MRAG, 2005: 112).

The activities of foreign fishing vessels have been likened to maritime mining, as fish are caught at an intense commercial rate. It has been estimated that until 2008, over 800 foreign

vessels have been involved in illegal fishing practices within Somali waters, costing the local industry over $US 6 million (Rankin, 2008). A UN report stated that an estimated $US 300 million worth of seafood is stolen from Somali waters each year (Tharoor, 2009). These foreign vessels have no long-term conservational concerns and are severely hampering the biodiversity of the Somali coastal waters. The effects of selective fishing are thus widespread on the spawning grounds of tuna, one of the most over-fished species in the Gulf of Aden resulting in the disruption of the marine ecosystem.

What makes the acts of illegal fishing even more difficult to combat, is that numerous fishing vessels operate under flags of conveniences. Such ships sail under a flag, different from the nationality the ship holds. By registering a ship in such a way, a shipping company can save large amounts of operating costs and avoid government regulations. This process allows a ship more foreign jurisdiction than it would normally have had if the vessels were registered in the name of a single state. Yet if such a ship is captured it is seldom an interstate affair as insurance companies normally pay the ransoms on behalf of the owners.

As the majority of all fish caught by Somali fishermen is used for direct human consumption, the effects of illegal “pirate” fishing activities will be hard felt by the Somali populace, of whom more than 55% live within the coastal area (UNEP, 2009). If illegal, unreported and unregulated (IUU) fishing continues, it will have a severe impact on both short and long-term environment and socio-economical wellbeing of coastal societies.

IUU fishing activities are not only limited to the coastal waters of Somalia but numerous other developing countries along the African coast. In a report on IUU activities in African waters, the Marine Resources Assessment Group Ltd. calculated that the value of all IUU fishing activities comprises 16% of all fish catchments in the sub-Saharan region (MRAG, 2005). The effects of IUU fishing on developing countries include financial, economic, social and environmental/ecological impacts.

Combating such activities prove to be a daunting task as it has been speculated that the governments of developing coastal states, such as Somalia, extend licenses to large fishing companies to fish their waters (Hassan and Mwangura, 2008).

3.3.2 Chemical waste on the shores of Somalia

Allegations have been made that large firms have been using the Somali coast with its deep continental shelf as dumping ground for toxic waste. Although these allegations only came to public attention recently, the problem of toxic waste dumping has been around since shortly after the collapse of the Somali state in 1991. For instance in 1992, large containers containing an oily substance washed up on the shores of Somalia. When tested, it was confirmed that the substance was indeed dangerous toxic waste.

In 1992, two European companies, Progresson (Italy) and Achair Partners (Swiss) were identified as dumping illegal toxic waste in Somali waters (Musse and Tako, 1999: 7). These incidents were investigated by the UN Environment Programme (UNEP), as it is speculated that these companies went into contract with a former official in the government of Ali Mahdi Mohamed (Abdullahi, 2008).
The tsunami that hit the Somali coast in 2004 affirmed the fears of many Somali citizens as rusty containers washed up on the shores containing more hazardous toxic waste. These incidents led to the United Nations confirming in 2008 that they have "reliable information", that European and Asian companies are dumping toxic waste along the Somali coast (Abdullahi, 2008). As there is hardly any navy or coast guard to protect maritime interests, foreign dumpers got away unnoticed. According to the UNEP the waste, that includes uranium radioactive waste, lead, cadmium and mercury, can be disposed of cheaply in Somali waters, in contrast to formal waste removal systems in the West that cost over US$ 1000 per ton (Abdullahi, 2008). A report released by the UNEP states that such waste led to respiratory ailments and skin diseases in villages along the Somali coast.

According to Ahmedou ould-Abdallah, the UN envoy to Somalia, the acts of dumping are often taking place with the consent of Somali officials who are being bribed to secure licenses and contracts: "…people in high positions are being paid off, but because of the fragility of the TFG, some of the companies now no longer ask the authorities – they simply dump their waste and leave." (Abdullahi, 2008)

3.4 Protecting the sea harvest

3.4.1 Vigilante justice and self-defence units

The concepts of vigilantism or self- defence have regularly been mentioned in the context of Somalia. Amidst years of state violence and oppression the Somali citizenry has begun to bear arms for three reasons. The primary need of citizens is to feel safe and protect their livelihood from those who threaten it. Such acts are done in order to protect their belongings and not to oppose threatening groups in any formal way. Secondly, citizens move towards the active combating of groups or factions that can unsettle their existence. Thirdly, and the final phase of citizen justice, is the opposition of the regime that fails to protect its populace.

The conflict in Somalia has seen its citizenry make the shift from original self-defence to active vigilante groups. The systematic demise of the Somali government and society saw faction and militia groups compete for resources and territory. The government, deeply divided by clan lineage also targeted civilians who did not belong to the ruling clan, creating excluded groups. These civilians picked up arms in order to protect their land and property, unleashing even more violence. Eventually such acts of self-defence rallied within their clans to form more formal defence groups against the lawless nature of the state and to further the clan's political and social ambitions (Vinci, 2006: 79). This led to the formation of faction militia, each able to pursue their own interests by force (Vinci, 2006: 79).

The line separating acts of vigilantism and acts of self-defence is fine due to the ambiguous nature of both concepts. Vigilantism can be defined as acts of achieving justice when private citizens take law in their own hands resulting from the inability of state structures to uphold internal security (Ero, 2000: 26). Another definition states that vigilantes are members of an organized committee; established members of the community; proceed for a finite time and with definite goals; claim to act as a last resort because of a failure of the established law enforcement system; and claim to work for the preservation and betterment of the existing system (Hine, 1998: 1221).

It should be mentioned that vigilantes often act in manners not consistent with the formal laws of the state but regard their actions as justified. In her work on vigilante justice, Kelly Hine

notes that for vigilantes "…the "right" to commit the original crime is not a protected legal interest, action by a vigilante in violation of that "right" is not criminal (1998: 1227).

For this reasons, the situation in Somalia is difficult. As no law was upheld, groups formed to oppose the levels of violence, crime and civil unrest. The original intent of these groups was self-defence but, the dangers of political violence and the civil unrest transformed them into formal factions. These factions, at first only protecting their interests, now became vigilante groups, as they took law in their own hands, to such an extent that they actively opposed the rulers of the Somalia state i.e. the UIC. Comfort Ero (2000: 26) in his work on vigilante justice mentions: "vigilante groups are able to transform themselves into politicised groups that can fuel political violence". This is similar to the actions of the famous PAGAD group in South Africa (Ero, 2000: 26).

These groups can also be seen as civil defence forces (CDF). As the Somali state collapsed after the Siyad Barre regime was toppled in 1991, the security forces such as the formal army and the police became ineffective. This lawlessness extended over the coastal territories of Somalia and the coast was left unprotected from foreign vessels. It soon became clear, as stated above that the lack of any security or naval force over Somali coastal waters would be exploited by foreign countries. The most prominent of such exploitation was the illegal and unregulated fishing in Somali coastal waters by foreign fishing vessels. Just as the internal citizens of Somalia turned to self-defence and vigilante justice, did the coastal populace act to protect their rich fish resources. This is how the Voluntary Coast Guard came into being.

3.4.2 The rise of the Voluntary Coast Guard

The lawless nature of the Somali society led to the rise of self-defence units and as conditions worsened, numerous vigilante groups in the form of factions, warlords and militia emerged. It was thus only a matter of time before the acts of illegal exploitation of the Somali maritime resources would be met by popular resistance.

In their report on illegal, unregulated and unreported fishing activities, the Marine Resource Assessment Group mentions that such activities will eventually result in conflict as artisan and semi-artisan fishers will start to resist the exploitation of their source of income (MRAG, 2005: 59).

Since 1998, numerous acts of vigilante justice against illegal fishing trawlers have been noted. In April 1998, the MV Bahari One was captured in northeast Somalia and remained in the custody of armed groups who claimed they acted on behalf of the state in which case they may be regarded as vigilantes or militia. The vessel in question was impounded for allegedly fishing illegally in Somali waters. In December of 1998, the same vessel was once again captured for allegedly violating Somali territorial waters, destroying local fishing nets and firing at local fishing boats. Numerous instances similar to this were reported between 1998 and 1999.

Scholars like Peter Lehr, lecturer in Terrorism Studies at the University of St. Andrews states that the pirate gangs emerged in the 1990s to protect against foreign trawlers (Tharoor, 2009). Brian Wilson concurs: "…a more structured form of piracy emerged in the mid-1990s when armed groups patrolled the 200 nautical mile exclusive economic zone of Somalia, claiming they were the authorized coastguard charged with protecting the Somalia's fishing resources" (2009: 11).

It has been argued that it is within this context that the Voluntary Coast Guard and the Somali pirates have emerged. Normal fishermen, deprived from their source of income took it upon themselves to apprehend these illegal fishing vessels by deterring their operations or to levy *tax* as to compensate for their loss of income. Fishermen have voiced their opinions by stating that they are not bandits but that the true criminals are the illegal fishing vessels (Hari, 2009). Like vigilantes (and militia), these fishermen took law into their own hands to defend their fishing ground from ports such as Eyl, Kismayo and Harardhere (Tharoor, 2009).

The most prominent of such resistance movements operating in Somali waters initially conform to the image of vigilantes and civil defence units as they lay claim to be the protectors of the Somali coast. A spokesperson for one such pirate group also said that in the eyes of the world, they should be seen as coast guards, simply patrolling the Somali seas (Gettleman, 2008). They have therefore started to organize themselves into factions. The most prominent of these are the National Volunteer Coast Guard (NVCG) and the Puntland Group. The NVCG, claiming an origin outside Puntland, is led by Garaad Mohamed, who was formerly part of a warlord faction (West, 2006). This group is said to specialize in intercepting small boats and fishing vessels around Kismayo on the southern coast

(GlobalSecurity, 2009). Yet, the most relevant group to this work hails from Puntland. The Puntland Group allegedly consists of former Somali fishermen and target illegal fishing vessels around the Puntland coast and further ashore (GlobalSecurity, 2009). These groups both share the common trait of acting in response to illegal fishing in Somali waters. But, did they remain protectors and defenders, or have some strayed into criminality after once being benefactors of the poor?

3.4.3 Somalia's Robin Hoods: Acts of social banditry?

Ultimately there are numerous reasons for the rise of maritime piracy along the Somali coast. Just as vigilante groups are of the opinion that their actions can be justified, so do certain pirate groups believe they are honourably protecting the Somali coast in the absence of a formal coast guard or navy. Although this might be the case, the acts of banditry at sea remain a crime, even though some groups are aiding the starving coastal populace of Somalia with their actions

In the work of Eric Hobsbawm, we find descriptions of banditry that conform to the notion that the pirates of Somalia might be social bandits as well. Hobsbawm defines a social bandit as "…peasant outlaws whom the state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation…" (Hobsbawm, 1969: 17). If the actions of the Somali pirates are taken in consideration, it bears a sharp resemblance to such definitions of social banditry – operating outside the law but for the benefit of the poor. Scholars and the media have speculated that the pirates are performing noble actions in protecting the Somali waters from unregulated fishing practices and the illegal dumping of toxic waste. The pirates, for performing these actions, have been dubbed the Robin Hoods of Somalia.

Hobsbawm describes an image of the noble robber, the Robin Hoods of society, that defines both his social role and his relationship with his community in nine characteristic attributes, of which four adhere to the notion of the Somali pirates. Firstly it is said that the social bandit begins his spree not by crime but as the victim of injustice and through acts which the authorities, and not their people, deem criminal (1969: 42). In interviews done with the pirates, they state that they are not criminals - they are reacting to the injustice of foreign fishing vessels exploiting their resources. This adds to the second feature of social bandits –

their ability to correct wrongs. The pirates are not necessarily correcting the injustices of the illegal poaching by indulging in criminal activity themselves but they are of the opinion that their actions and the ransoms they receive constitute a form of retribution or compensation for their loss.

The third trait is typical of a Robin Hood figure – he takes from the rich and gives to the poor. The fishermen of Somalia who engage in acts of piracy view themselves as disadvantaged by the foreign fishing vessels that exploit the fish for commercial use, in contrast to the subsistence nature of the local populace. When they thus attack foreign vessels and demand a ransom they are taking from the rich. The spoils retrieved and ransoms received in the pirate attacks are taken to pirate boomtowns at the coast and also inland. In the absence of any formal government structures, the money made from pirate activities are financing an informal economic boom in towns such as Eyl and Harabdere. Witnesses state that towns that were once eroded by years of poverty are now thriving with restaurants, shops and even internet café's. Piracy brings to these towns a better life for all, and even offers employment – "…The pirates depend on us, and we benefit from them. Regardless of how the money is coming in, legally or illegally, it has started a better life in our town…" (Associated Press, 2008).Such views by citizens of Somali towns indicate that even if the spoils of pirate attacks don't directly go to citizens, it improves their lifestyle, and thus deems their respect and support.

The fourth feature of a noble robber is that he is admired, helped and supported by his people and community (Hobsbawm, 1969: 43). The praise lavished by some citizens emphasizes this feature. Hobsbawm also states that the noble robber, at least in theory, is invisible and invulnerable (1969: 43). This feature of the modern day pirates is emphasized by the inability of the international actors to halt the rising tide of pirate activities along the Somali coast and the Gulf of Aden.

The nature of social banditry, and maybe also the pirates of Somalia, was perhaps best revealed in Hobsbawm's work where he wrote "…they reflect the disruption of an entire society, the rise of new classes and social structures, the resistance of entire communities or people against the destruction of its way of life…" (Hobsbawm, 1969: 23). But criminality also enters the fray.

3.5 Food and ransoms: From protection to criminality

3.5.1 The criminalization of food protection

It has been affirmed that there is an element of truth to the notion that Somali fishermen took law into their own hands to stop the illegal poaching of their marine resources. It is also true that some robbers and pirates are heroes.

However, certain scholars state that although such self-defence and vigilante justice might have initiated attacks on foreign vessels, the plight of these people being victims can no longer be deemed as credible. It has been stated that the majority of piracy surrounding Somalia cannot any longer be understood in terms of self-protection only, but also out of self-enrichment. This might be crossing the line into criminality and warlordism. Some scholars are therefore of the opinion that the exploitation-argument no longer holds credibility: "Nowadays this sort of thing (the protection of its resources) is just a cheap excuse" (Tharoor, 2008). It has thus become impossible to distinguish between vessels that were seized for fishing illegally, and vessels that were simply seized for big ransoms (Wilson, 2009).

The East African Seafarers Assistance Programme, a group that monitors piracy in the Horn of Africa are of the same opinion (Tharoor, 2009). They believe that at first such vigilante groups went unnoticed as they only seized small fishing vessels, and only wanted small ransoms for the captured ships. This allowed the fishermen/vigilante groups to build up efficient networks that would eventually increase their appetite for larger spoils unrelated to the capture of illegal fishing vessels (Tharoor, 2009).

Recalling the rules of maritime jurisdiction as stipulated in the UNCLOS, the territory in which the pirates operate should also be considered. If groups such as the so-called Coast Guard of Somalia attack, hijack or board illegal fishing vessels within exclusive economic zone (EEZ) of Somalia (200 nautical miles) then it can be said that the attacks are perhaps justified, provided lawful arrests are made. But this is not done. However, it also seems that the pirates of Somalia have started to capture not only fishing vessels but, as mentioned, also numerous other cargo and freight carriers. Some of these ships cannot be accused of illegal fishing and have the right to free passage through Somali waters. But these vigilante groups

have overstepped the line – the EEZ. Their attacks outside the EZZ, on fishing or non-fishing vessels, cannot be deemed as protecting the sea harvest and the actions of such groups escalated from the recovery of fish, to armed robbery at sea, to international maritime piracy.

Thus, if the ships captured are not impeding on their right to free passage, nor taking part in illegal fishing activities inside the EZZ, all arguments that the groups are protecting the natural resources of the Somali coast become void. Any actions by such groups on foreign vessels outside the EZZ are thus deemed as illegal as no single state has jurisdiction over international waters.

3.5.2 The hijacking of non-food carrying vessels: Who benefits?

The capturing of food convoys can be traced back to the early 1990,s as Farah Aideed seized food shipments sent by Western humanitarian aids to ease the suffering of a hungry Somalia. It seems that this legacy is still alive in the modern day of maritime piracy as pirate groups have hijacked food carrying vessels destined for Somalia. In 2005 the MV Semlow, a vessel contracted by the United Nations World Food Program (UNWFP) was hijacked by pirates off the Somali coast. Carrying 850 tons of rice, the ship was on its way to provide food relief to Somalia (Lehr and Lehmann, 2007: 2).

It can be argued that the cargo captured off such vessels is taken back to coastal communities. This way, the beneficiaries of the food shipments are the hungry populace of the Somali coast. If the cargo of ships is not seized, then it can be held for ransom. Either way, the ships can benefit the coastal communities or the pirate groups.

As mentioned, the pirate groups started capturing vessels unrelated to illegal fishing. As time progressed such groups have laid claim not only to food carrying vessels but, also ships containing a wide variety of non-edible goods i.e. the MV Panagia, which was captured in 2005. Carrying a bulk load of coal, it was captured 90 nautical miles from the Somali coast, well within Somalian waters, but not carrying food (IMO, 2005). This has led some scholars to believe that the pirate groups are pursuing alternative motives. Attacks on the Panagia, the MV Golden Novi (chemical tanker), the MV Thor Star (wood) and the MV Bunga Melati Dua (palm oil) indicate that the pirates are not only motivated by the gain of food and mere consumer goods but also by profit derived from demanding ransoms.

The possibility also exists that the pirates are not only capturing ships to further their own needs, be that food resources or monetary wealth derived from ransom money, but that the pirate groups use the money collected from such ransoms to fund criminal activities. Depending on the cargo of the ships that are captured, the pirates might be working not for themselves, but for larger criminal networks. It is for this reason that the criminal intent of the Somali pirates should be considered and the question raised: who benefits?

The capture of ships such as the MV Faina and its cargo of weaponry raise the question as to why the pirates targeted this specific ship. The cargo destined for Mombasa, Kenya, comprising of grenade launchers, ammunition and Soviet battle tanks, enticed a media outcry (Gettleman, 2008). Ambiguity existed as to the destination and intent of the Faina's cargo. It has been speculated that the cargo was destined for Sudanese rebels (Stohl and Tuttle, 2009: 19). This is unlikely as these rebels are not Islamic. Because al-Shabaab, the Somali Islamist group, also supported the capture of the Faina, it is more likely that its cargo was intended for Ethiopian force, which backed the Transitional Government of Somalia against the Union of Islamic Courts (AFP, 2008).

As the pirates captured the Faina, the debate turned controversial. Was the Faina thus captured in order to seize the weapons that could fuel African conflict or Islamic goals? The possibility also exists that the pirates are capturing certain types of cargo to aid Islamic extremists or terrorist groups such as al-Qaida. In light of the Global War on Terror, the anti-terrorism actions of the US and the haste in which it acted to rescue the Faina certainly strengthen such arguments. These questions will be explored later.

Whatever the possibilities may be, the fact remains that the pirate groups have shifted their original focus from the capture of food carrying vessels. They may also have shifted their motives and intent, and in doing so they have become far more than mere social bandits: criminals or Islamist?

3.5.3 Criminal banditry, maritime militia or warlords of the high seas?

An important aspect of social banditry is the concept that the bandits, whilst staying within a society, do not necessarily terrorize the populace. This proved to be correct in the context of the Somali pirates who are treated as heroes by the coastal communities. This being said, the argument has been made that the pirate groups have started attacking not only illegal fishing vessels but also non-food carrying ships. These acts transgressed the boundary that defines social banditry as described by Eric Hobsbawm.

The pirate groups of Somalia have started to conform more to the idea of formal groups of criminals that operate outside and apart from their communities. Such groups have started to show levels of organization that defines them not so much as social robbers but partaking in organized crime. This conforms to the term *haiduk,* used by Eric Hobsbawm to describe a group of robbers who was "…in every respect a more serious, a more ambitious, permanent and institutionalized challenge to official authority than the scattering of Robin Hoods which emerged from any normal peasant society" (1969: 80) This description made by Hobsbawm indicates a robber or thief who "…chose not so much freedom as against serfdom, but robbery as against poverty…". These men were thus robbers by trade and were not motivated by ideology or revolt but economic necessity. This is similar to some pirates of Somalia. What started out as vigilante groups within society to combat illegal fishing activity, became organized groups partaking in criminal activity for the mere reason that they find robbery to be more satisfactory to their economic needs than an honest day's work. Hobsbawm (1969: 81) noted that in times where the people (community) were met by troubled times, the haiduk bands would grow and become more daring in their actions.

An essential trait of both the Somali pirates and the haiduk bands is the issue of the territory they operate in. Hobsbawm mentioned that the haiduk groups operated in areas separate from the community. These areas included mountains, forests or caves. Although it cannot be said that such groups aimed to establish sovereign control over these areas, some areas were known to be inhabited by outlaw groups who ruled over the territory. As the pirate groups "patrol" the oceans of Somalia and the Gulf of Aden, their action closely resemble that of the haiduk outlaws. These groups, especially the ones proclaiming to be the Coast Guard, operate and in a way to occupy the ocean, just like warlords control certain territories.

Such territorial dominance is not only similar to the haiduk groups of the early 16th century, but to more modern forms of banditry – warlords, as mentioned above.

In defining the modern warlord John Mackinley elaborates on the essence of modern day conflict. In his description he emphasizes the demise of the state as the sovereign enforcer of violent conflict (Mackinley, 2000: 53). In contrast, new-age conflict will see the rise of private security forces, child soldiers, civilian militia and bandit gangs (Mackinley, 2000: 53). These agents of war will operate not on conventional battlegrounds but will transcend conflict into civilian society. It can be argued that modern day warfare will not be conducted by conventional armies but will arise from ordinary civilian actions – conflict for the people, by the people and between the people. This resembles the actions of the Somali pirate groups who, with the demise of the state and its conventional armed force, transformed themselves into agents of conflict: grievance that turned into greed.

To recollect on the formal definition of a warlord we also turn to the work of Hussein Adam (1992: 21) who described a warlord as a person who exercised effective control over a well-defined region by means of a military organization that obeyed no higher authority than himself. This definition highlights two important similarities with the pirates of Somalia.

Firstly the definition of Adam touches upon the notion that the warlords are able to exercise control over a certain territory. Mackinley concurs with such thoughts by stating that warlords often prey on the weak by operating in a territory that it could control with military force (Mackinley, 2000: 55). This is comparable to the pirates of Somalia. The original fisherman who wanted to protect the sea harvest, and described themselves as guardians of the Somali coast, aimed to control the coastal waters as they wanted to manage the coast and its resources. This activity is similar to that of the warlords on land. The warlords and the pirate groups operate for their own enrichment and exploit the area under control. The followers of such warlords are in most instances urban poor or rural peasants. This ascribes to the image of social and criminal bandits (haiduks) stated by Eric Hobsbawm.

The second unique trait that links the pirate groups of Somalia to conventional warlords is their belief to obey no other authority. In his description on *haiduk* groups Hobsbawm notes that these groups saw themselves as free men – equal to kings and other elevated people in society (1969: 76). They thus answered to no single person except themselves. This closely

resembles the attitude of some pirates of Somalia. These groups, in the absence of a governable and effective state, deem the resources of the coast as free for all Somali to take and exploit. In the fashion of the warlords and armed factions that emerged during the 1960s and 1970 in Somalia, the pirates raced to capture what they can. In doing so, they answer to no person, state or international actor but themselves, except if some are linked to criminal or religious networks outside Somalia.

Although operating with military precision, the authority within the pirate groups is perhaps not distinctly characterized by military hierarchy but rather by personal authority. In an interview conducted with the pirate group that captured the MV Faina, a member told *Newsweek* that the groups consist of men with opinions and norms which are respected by all members of the crew, which in time ads to the cohesion and effectiveness by which pirate groups act (Nordland, 2008).

As many scholars dwell on the motives of the modern and conventional warlord, the current school of thought still call attention to the economy of civil unrest. Warlords, like other armed factions all over the world, have one thing in common – their struggle to control resources that will further their own interests. Grievance then quickly turns into greed. Warlords were not alone in exploiting the resources of the weak state. Many states and other factions all laid claim to resources within the weak state. Mackinley notes "…the relative ease with which most of these commodities could be removed, influenced the size and configuration of the warlord's war-fighting needs and dictated his priorities for survival " (Mackinley, 2000: 59).

The pirates operating along the Somali coast and the Gulf of Aden have developed their objectives, motives, structure, and effectiveness in a non-ideological way. They became thieves rather than nationalists. These men have gone from subsistence fishermen, to social bandits protecting their source of income, to criminals of the high seas. Indulging in the ease with which they captured foreign vessels, they have left behind their humble beginnings and structured themselves to fully exploit and embrace the spoils of organized crime. In doing so they have shown distinctive characteristics that closely resembles the actions and intent of warlords of the high seas. A conclusive case for Islamic links cannot be made. The next chapter will investigate further.

CHAPTER 4

The pirates of Somalia – Threat to global maritime security

4.1 The external dimensions: The Global War on Terror (GWOT) and Operation Enduring Freedom

In the aftermath of the 9/11 terrorist attacks on the World Trade Centre in New York, the United States and its allies launched the Global War on Terrorism. This initiative has been the central focus of US Foreign Policy since 2001. Although theoretically diverse in its objectives, the GWOT targets political Islam as the main antagonist in the War on Terrorism. This is most visible in the continuous focus on al-Qaeda and the invasion of Afghanistan and Iraq and the pursuit of al-Qaeda in Pakistan.

In its determination to halt terrorist activity, the US focused on numerous local and global threats. In doing so, they have targeted not only terrorists and terrorist activities but other states that might have weapons of mass destruction (Record, 2003: 1). These threats can be said to be the national, regional and global levels of terrorist organization, including what the Bush administration called rogue states such as Iraq and Iran; failed states such as Sudan; and Somalia that willingly or unwillingly provide safe haven and assistance to terrorist organizations and individuals. This includes states that proliferate weapons of mass destruction and/or supply these to terrorist organizations and rogue states (Record, 2003: 13)
In February 2003, President George W. Bush unveiled the National Strategy for Combating Terrorism. This document initiated the 4D strategy in combating global terrorism – Defeat, Deny, Diminish, and Defend. These four goals rest on the successful achievement of specific objectives.

To **defeat** terrorism, the US aimed to identify, locate and destroy terrorists and terrorist organizations. In doing so the US would **deny** terrorists and terrorist organizations sponsorships, support and sanctuary. They would also aim to **diminish** the underlying conditions that terrorists seek to exploit. The achievement of these three goals would eventually **defend** US citizens and their interests at home and abroad.

As part of its global assault on terrorism, the US launched Operation Enduring Freedom (OEF). With this mission the United States strove to establish a multilateral coalition of ally states to combat the al-Qaeda network led by Osama bin Laden and the Taliban based in Afghanistan. This is also known as the 'coalition of the willing'. Operation Enduring Freedom is also used to refer to the official war in Afghanistan and signals the first military intervention of the US and its allies in the GWOT. Prior to Operation Enduring Freedom the US gave the Taliban leaders in Afghanistan an ultimatum: close terrorist training camps; hand over leaders of the al-Qaeda network; and return all foreign nationals. These demands were not met and on 7 October 2001, Operation Enduring Freedom was initiated with a series of attacks on strategic targets such as early warning radars, ground forces, al-Qaeda infrastructure, and Taliban airfields.

Operation Enduring Freedom also comprises of numerous subordinate operations. As the initial military operations in Afghanistan became known as Operation Enduring Freedom – Afghanistan (OPE-A) we can distinguish between operations in the Philippines (OEF-P), Trans-Sahara (OEF-TS), and the Horn of Africa (OPE-HOA) to name a few. This is where Somalia, a Muslim nation, fits.

Since 9/11 the role of Africa has increased significantly in the GWOT. Since the attack on the World Trade Centre superior security measures have resulted in no major terrorist attacks or hostile activity in Europe or North America. Yet, this was not the case in Africa. In Mombasa, Kenya in 2002, a major attack on Israeli tourists has been linked to al-Qaeda (Stevenson, 2003: 157). Intelligence reported that suspects who have been linked to the 1998 US embassy bombings were planning another attack in Kenya. The weak state of counter-terrorism initiatives in Africa makes states in the Sub-Sahara region prime terrorist targets for recruitments and fundraising (Stevenson, 2003: 157).

The question should thus be raised as to why Muslim Africa is so susceptible to terrorism and why US counterterrorism policies are unable to combat the threat of Islamic fundamentalism and al-Qaeda operations in Africa. According to Lieutenant Colonel Choate of the US Army War College this ineffectiveness can be attributed to trends of internal conflict, geographical significance, clashing religious differences, corruption and poverty (Choate, 2007: 4).

Many African states are locked in endless civil warfare which is fuelled by the presence of numerous armed groups. This conflict brings instability to certain regions and it hinders states to effectively control their territory. This grant terrorist's easy access to any resource they desire to further their violent intent (Choate, 2007: 5). The long borders and rough landscape of African states, especially prominent in the SAHEL region, is impossible to monitor and protect. This allows terrorist groups, people, weapons and money to travel freely (Choate, 2007: 5).

One of the most pressing issues in addressing the terrorist threat in Africa is the clash of religious views between Christianity, Islam and traditional African beliefs (Choate, 2007: 5). As mentioned earlier, the United States, although denying that the GWOT is also a war on Islam, does concede that the Islamic presence in Africa may intensify terrorist activities. This stems from the fact that al-Qaeda and the Taliban of Afghanistan, the original focus of Operation Enduring Freedom, are firmly set in Islamic beliefs: it is fundamentalist, has a political agenda, and is anti-American.

Lastly, the levels of rampant corruption throughout African regimes serve as attractive prospect for terrorist organizations that can bribe and pay-off government officials (Choate, 2007:6). The high levels of political alienation and social injustice, together with extreme levels of poverty are commonly branded as being the root cause of terrorism (Choate, 2007: 6). Although it cannot be said that poverty and political turmoil directly lead to terrorism, it is true that these characteristics, normally associated with failed states, provide a fertile environment for terrorism to prosper (Hagel, 2004: 64)

All of these factors make Africa vulnerable to terrorist activity. They may attribute to the fact that many failed states are poor. One such state is the Republic of Somalia. So far this thesis has held that many such factors have led to the statelessness in Somalia. It has also been argued that this statelessness contributed the rise of maritime piracy off the east coast of Somalia. There is thus a thread that can be used to argue that the pirate groups might operate in conjunction with terrorist groups or are terrorist groups themselves, thus adding to the notion of maritime terrorism.
It is for this reason that this thesis discusses the major international efforts to combat terrorism in Africa

4.2 Combating global terrorism in Africa

4.2.1 The Pan-Sahara Initiative (PSI) and the Trans – Sahara Counterterrorism Initiative (TSCTI)

As the GWOT commenced the world turned its attention to the battlegrounds of Afghanistan and Iraq. Although the war against terrorism is perceived to be a global threat, the Middle East is still considered the terrorism hotspot, due to its Islamic nature. Yet, unnoticed by many, the US has spread its presence to new frontiers. One such frontier is the Sub-Saharan region of Africa.

Post-9/11 the military actions of the US were dominated by a conventional Clausewitzian perspective on warfare. This perspective holds that war is primarily conducted by states (Van Creveld, 1991: 41). Since its GWOT however the US has been met by non-state actors of war who do not have territory to defend or physical infrastructure to target (Archer & Popovic, 2007: 7). This becomes a feature of new wars, where opposition parties have a-symmetrical force levels. The US finds these actors, be they religious, political, ethnic; sub-national or trans-national, difficult to combat and for this reason perceive non-state terrorist groups, as encountered in Africa and the Middle East, a bigger threat to immediate US security (Archer & Popovic, 2007: 8).This is clearly visible in the Trans-Sahara Counterterrorism Initiative (TSCTI) and its predecessor, the Pan-Sahel Initiative (PSI). These initiatives, although involved in numerous African countries, focus on inter-state organizations such as terrorism cells.

The PSI was a military-to-military training program whereby the participating countries – Chad, Mali, Niger and Mauritania, of the Sahel region, were assisted in training a military force to combat terrorism (Choate, 2007: 3). Under the command of EUCOM (United States European Command) the PSI trained forces in infantry tactics (Choate, 2007: 3). The success of the PSI and the rising expansion of operations by Islamic terrorist organizations in the Sahel region eventually led to the program evolving into the Trans-Sahara Counterterrorism Initiative in 2005.

The TSCTI is a “multi-faceted, multi-year strategy aimed at defeating terrorist organizations by strengthening regional counterterrorism capabilities, enhancing and institutionalizing cooperation among the region’s security forces, promoting democratic governance,

discrediting terrorist ideology, and reinforcing regional bilateral military ties with the United States" (US Department of State, 2006). Together with the original PSI states, the TSCTI also involved Morocco, Tunisia, Senegal, Algeria and Nigeria (Choate, 2007: 3). Again, Somalia is excluded. But the US plays a significant role in supporting the fragile transitional government in Somalia. It also actively assisted Ethiopia in its intervention to suppress the Islamic insurgency in 2006/7. What sets the TSCTI apart from similar counterterrorism programs is that, unlike the PSI, it does not only focus on the delivery of military assistance but also incorporates a more developmental role to broaden counterterrorism strategies in Africa (Choate, 2007: 3). The military assistance it provides is done under the command of Operation Enduring Freedom – Trans Sahara – the US military component of the TSCTI.

Although not directly involved in Somalia, last mentioned is as applied above of extreme importance to the TSCTI. The time the TSCTI initiated, coincided with the rise of the Union for Islamic Courts in Somalia (UIC). One of the central factions within the UIC is al-Shabaab. It is suspected that al-Shabaab is affiliated with al-Qaeda. It is also believed that factions such as al-Shabaab and Hizbul Islaami, who have roots in the UIC, are linked to al-Qaeda operatives suspected of being involved in the 1998 embassy bombings in Kenya and Tanzania (Bryden, 2003: 28; ICG, 2005: 1). Since the Ethiopian success in driving Islamists out of Mogadishu, the UIC relocated to Eritrea, an old Ethiopian enemy.

4.2.2 The East African Counterterrorism Initiative (EAC-TI) and the Combined Joint Task Force in the Horn of Africa (CJTF – HOA)

As mentioned above, the US had reason to believe that a terrorist threat was plausible in Somalia and the Horn of Africa. This threat, together with the legacy of the failed US interventions in Somalia in the 1990s gave the US Central Command (CENTCOM) the ideal opportunity to extend its counterterrorism policies into the Horn of Africa. This resulted in the establishment of the Combined Joint Task Force – Horn of Africa (CJTF-HOA) and the East African Counterterrorism Initiative (EAC-TI).

In the aftermath of 9/11 the US identified East Africa and the Horn of Africa as a potential terrorist threat. This led to the formation of the East African Counterterrorism Initiative (EAC-TI) in 2003. The purpose of this initiative was to provide military training for border and coastal security, establishing programs to strengthen control of the movement of people

and goods across borders, aviation security, assistance for regional programs to curb terrorist financing, police training and an education program to counter extremist influence (Shinn, 2004: 41). As mentioned above, Eritrea is now the base of the UIC.

Although the EAC-TI deployed US troops across East Africa, the US still lacked an operational base in Africa. In 2002, the Combined Joint Task Force – Horn of Africa was established in a former French Foreign Legion base in Djibouti. Fighting terrorism in Djibouti, Ethiopia, Eritrea, Sudan, Kenya, Somalia and Yemen this operation combined a coalition of troops from Germany, France, Spain, Italy and the United States (Shinn, 2004: 41) The aim of the CJTF-HOA is to detect, disrupt and defeat transnational terrorist groups, to counter the re-emergence of transnational terrorism and to enhance long-term stability in the region (Shinn, 2004: 41).

The CJTF is the primary military component of Operation Enduring Freedom – Horn of Africa (OEF-HOA). As stated above, last mentioned is a subordinate initiative of Operation Enduring Freedom. The naval component of OEF-HOA is the Combined Task Force – 150 (CTF-150) (CUSNC, 2009). Although OEF-HOA is responsible for US counterterrorism operations in the whole of East Africa and the Horn of Africa, the unofficial concern of the CJTF and the CTF – 150 are predominantly the failed state of Somalia, its Islamic factions and, most important to this thesis, the rising tide of Somali piracy.

Although the presence of these counterterrorism initiatives proves to be effective the nature of their respective actions remains limited. David Shinn (2004: 42) notes that the counterterrorism initiatives all focus on short to medium term solutions to combat terrorism. They are primarily aimed at training forces, establishing counterterrorism networks and the actual capturing of terrorist suspects. According to Shinn (2004: 42) these programs fail to address long-term solutions to curb terrorism in Africa – poverty. He argues that the elimination of severe poverty will transform the environment encourages terrorism activity.

4.3 Somalia and global terrorism

4.3.1 Strategic significance of Somalia and the Horn of Africa

The prominence of the Horn of Africa in the battle against global counterterrorism stems from the fact that the Horn is considered as an African bridge to the Middle East. It overlaps the Middle East, it flanks the oil-rich states of Arabia, dominates parts of the Gulf of Aden and overlooks the passages where the Red Sea, Gulf of Aden and the Indian Ocean meet (Patman, 1990: 25).

This *bridge* transferred the Middle Eastern influences into great Sub-Sahara Africa. Yemen and Aden are pivotal in this respect. These influences included the spread of the Islamic culture which directly affected terrorist activity, originally in the Sudan but, later spreading down the east coast of Africa (Lyman, 2009). Scholars have argued that the focus of anti-terrorism activity in the Horn of Africa is easy to comprehend as: "The greater horn of Africa and Yemen region is bound together by recent history as a sometime target, by its geographical proximity to the homeland of Osama bin Laden and the primary object of his political anger, by long and continuing interrelationships of licit and illicit trade, by religion, by centuries of Muslim-Christian accommodation and antagonism, by renowned resistances against Western colonizers (in the Horn), and by shared poverty, poor governance, and underdevelopment. This complex web provides a tasting menu for potential terrorists." (Rotberg, 2005: 2).

It is due to these reasons that the US and its allies, in its Global War on Terror, have an immense military presence in the Horn. This is prominent from the review of above mention counterterrorism initiatives such as the CJTF-HOA and the PSI. Yet, terrorism is a concept that involves and entices an abundance of political and socio-economical problems. Due to the nature of African societies, it is comprehensible that terrorism in the Dark Continent cannot be fought without getting involved in local and regional difficulties. Unwillingly, the US has been drawn into the politics of African states – one of the most prominent being the Republic of Somalia.

To the reader of this thesis the unstable situation of the Somali state is well known. Lacking an effective central government and with the demise of effective political institutions, Somalia

experienced a downward spiral since the collapse of the Barre regime in 1991. In the aftermath of the oppressive nature of Barre's government, Somalia slumped into a lawless state as warlords and Islamic factions fought each other to gain control over the remaining resources. This civil unrest led to widespread famine and poverty, eventually resulting in a humanitarian crisis. It is in such circumstances that the international community, especially the US intervened through the institutions of the United Nations. Following clashes between foreign troops and local warlord militia, international forces eventually withdrew from Somalia. Left to its own fate, Somalia self-destructed into a failed state.

The dire Somali situation could no longer be ignored as the idea of a failed state posed a threat to international security within the context of the GWOT (Bryden, 2003: 25). Numerous factors intensified the notion that Somalia is a "haven for terrorists" (ICG, 2005: 1). Specific terrorist attacks, such as the killing of US soldiers in Mogadishu in 1993, and the bombing of the US embassies in 1998, have been tracked back to terrorist groups inside Somalia. Intelligence has indicated that al-Qaeda and the Hizbul Islaami groups within Somalia are involved in such attacks. With the rise of the Islamic Courts, the suspicion grew that Islamic factions within Somalia are interlinked. With added pressure from neighbouring countries such as Coptic Ethiopia, who opposed the Islamic factions, the US was forced to place Somalia at the front of its global assault on terror in that part of Africa. It is thus necessary to explore the true depth of the Islamic terrorist threat within Somalia. In doing so, this thesis explores the possibility that some pirate groups may be active in order to further the interests of Islamic factions within Somalia, and even further afield.

4.3.2 Islamic fundamentalism

4.3.2.1 The United Islamic Courts (UIC) and its supporters

In the aftermath of the coup d'état that removed Mohamed Siad Barre from power in 1991, Somalia plunged into lawlessness and social decay. The resulting lack of security and the rise of violent crimes between factions and warlords in the capital led to the formation of sharia courts. Initiated by the elders from the powerful Hawiye clan, such courts were not as much an Islamist imperative, as a response to the need for some means to uphold law and order (Barnes and Hassan, 2007: 2). These courts were especially effective in north and south Mogadishu in restoring some order. In choosing court members these elders were careful to chose judges who represented a wide spectrum of Islam in Somalia, as not to raise the

suspicion that the courts might be Islamic fundamentalists (Marchal, 2007: 3). The courts thus originally pursued moderate state-building goals.

These courts had their roots embedded not so much in political Islam but, more in the power of local clans that upheld its authority. In 2006 a number of such sharia courts merged to form the Union of Islamic courts. In its effective ability to uphold law and order, the ICU was widely supported by the Somali populace in Mogadishu, even though some citizens did not embrace the idea of Islamic rule (Menkhaus, 2009: 225). The influence of these courts was initially supported by the US. The US supported negotiations between the UIC and the TFG (Menkhaus, 2009:225).

At the height of their success, the UIC was confronted by an internal power struggle. The main divide within the UIC was the conflicting interests of moderate and hard-line Islamists. The extremist faction within the UIC began to push the courts to take up more radical positions concerning foreign influences in Somalia and the establishment of an Islamic state. The UIC eventually capitulated to such pressure, declaring jihad on Ethiopia (Menkhaus, 2009: 225). Due to its support of the TFG, which was perceived as being a foreign institution, Ethiopia was targeted by the UIC. This antagonistic advance by the UIC, an Islamic organization, towards a western ally, provoked the US. With the help of US forces, Ethiopia drove the UIC from the capital in 2007.

As the courts grew in power prior to their downfall in 2007, their influence began to intrude upon the territory and authority of the warlords that also laid claim to large parts of Mogadishu. This unleashed more conflict between the warlord factions and the UIC militia. Due to the fears that the UIC might be aiding and abetting a terrorist organization, the US, for the first time since 1993, commenced operations in Somalia with the help of warlords. Some scholars believe that it is these actions by the US that urged the UIC to take a political stand, as it was believed that the US disrespected the last fibres of Somali sovereignty (Barnes and Hassan, 2007: 4).

The link between the sharia courts and political Islam came via al-Itihaad al-Islaam, a Somali jihadi organisation. Originally a Somali chapter of the Muslim Brotherhood, al-Itihaad, the group rose from obscurity in the aftermath of the Barre regime (Barnes and Hassan, 2007: 3). Although al-Itihaad's status as a terrorist organization can be debated, it has been involved in

various acts of terrorism between 1992 and 1999. In 2001, the US placed al-Itihaad on its list of terrorist groups (Clarke, 2002). What strengthens the argument that al-Itihaad might be a terrorist organization is its strong emphasis on non-clan loyalties within the organization. This is most prominent in their leadership – the Chairman, Sheikh Ali Warsame, was an Isaq (from Somaliland), whilst the Vice Chairman, Sheikh Hassan Dahir Aweys was from the Hawiye clan in Southern Somalia. Sheikh Aweys, along with other suspected Islamic fundamentalist have also been placed on the US terrorism list.

After various confrontations with warlords and Ethiopian forces, al-Itihaad al-Islaam in effect went underground (ICG, 2007: 9).Yet, due to the success of Islamic courts in southern Mogadishu former influential members of al-Itihaad joined these effective courts.

What radicalized the UIC even more, and raised the suspicion of the US was the formation of al-Shabaab, the former Youth Wing of the UIC. Formed in response to combat the opposing warlords in Mogadishu, al-Shabaab has pledged to violently oppose the TFG and all Ethiopian intervention in Somalia. It has been speculated that al-Shabaab has close ties with al-Qaeda as some of its senior members have been trained by al-Qaeda members. The most prominent connection between al-Qaeda and al-Shabaab proves to be ideological. This stems from video evidence indicating various members of both organizations praising each other's work and declaring support to one another (Hanson, 2009).

Although above descriptions of the UIC and its subordinate members cannot without doubt determine that the UIC is indeed based on radical Islamic principles it does suggest enough evidence to indicate an integrated Islamic network between the UIC, al-Shabaab and al-Itihaad al-Islaam in Somalia. This raises the questions if these groups benefit from the ransoms paid to the pirates?

4.3.2.2 Al-Qaeda?

It has been affirmed above that certain Islamic groups are linked to al-Qaeda, either through ideological principles or common political and operation similarities. However, it is not clear as to the actual al-Qaeda activities within Somalia.

Al-Qaeda's relation with Somalia dates back to the early 1990s. During this time Osama bin Laden stationed himself in Khartoum, Sudan. It was during this time that the US intervened in Somalia to ensure the successful delivery of humanitarian aid to restore law and order. Bin Laden criticized the US presence in Somalia, condemning it as colonial occupation and a threat to Islam (Phillips, 2002, 5). In 1992, al-Qaeda issued a fatwa against the US troops, calling upon all Somali to "cut off the head of the snake" (Bryden, 2003: 27).

The al-Qaeda presence was also not limited to mere rhetoric. In 1993 bin Laden sent al-Qaeda operatives, Mohamed Asef (Bin Laden's deputy) and Ali Muhammed (Chief al-Qaeda instructor) to train Somali faction militia and local fighters in terrorist tactics (Phillips, 2009: 5). It is believed that al-Qaeda organized the assistance of Afghan jihad veterans to fight the American presence in Somalia. It has been reported that these veterans taught Farah Aideed's militia how to shoot down US helicopters (Phillips, 2002, 5). Such notions are strengthened by the success of faction militia against US troops in 1999. In an interview in 1998, Bin Laden claimed responsibility for the death of 18 US soldiers in Mogadishu in 1993 (IISS, 2002: 2).

As international forces withdrew from Somalia in 1995, the presence of al-Qaeda also became less prominent. However, al-Qaeda still indirectly supported Somalia through the assistance of suspected terrorist groups such as al-Itihaad al-Islaami. It is believed that the withdrawal of the US forces from Somalia in 1993 proved to be a moral victory for bin Laden and encouraged al-Qaeda's ambitions. This is emphasized in the amount of terrorist attacks after 1995. It is believed al-Qaeda was involved in bombings that killed five US military advisors in Saudi Arabia in 1995, 19 US military personal in 1996, and 12 US citizens in the notorious embassy bombings in Dar es Salaam and Nairobi in 1998 (Phillips, 2002: 6).

Bin Laden's victory over the US in Somalia also revitalized and in the process radicalized Islamist groups such as al-Itihaad al-Islaami. This is largely due to the influence of bin Laden's radical principles and the injection of jihad veterans in Somalia (Phillips, 2002: 6). The notion that Somalia serve as safe haven for al-Qaeda terrorists is mainly based on the collapsed nature of the state.

4.3.2.3 Islam and the West: The US and Coptic Ethiopia

Prominent to its history, and the current lawless nature of the Somali state, is its severed relations with Ethiopia. Although numerous incidents such as the Ogaden War and the continuous border confrontations highlight the bad relationship between the countries, all disputes can be explained through ethnic and religious differences. As the ethnic confrontations have been addressed in earlier parts of this thesis, the focus should fall on the religious disparities that divide them.

Ethiopia is especially weary as to allow Islamist rule to govern over Somalia. Addis Ababa argues that an Islamic leadership will not support the legitimate interests of Ethiopia in Somalia. This perspective and the subtle yet prominent antagonistic stance of Ethiopia against Islamic fundamentalist within Somalia stems from historic confrontations between radical Islamic groups and its neighbour to the west. Al-Itihaad al-Islaami is responsible for terrorist acts in Addis Ababa and Dire Dawa, the heartland of Ethiopian territory as well as the numerous border confrontations between al-Itihaad and Ethiopian troops during the Ogaden War.

The Ethiopian government is mainly concerned that moderate Islamists within Somalia can serve as a base from which militia groups can rally support. It is for this reason that the Ethiopian government does not distinguish between terrorist groups and Islamic factions – any links that might exist between Islamic factions, militia groups and the Somali government is thus perceived as a direct threat to the national security of Ethiopia (Bryden, 2003: 47).

Since the end of the Cold War, Ethiopia embarked on a diplomatic venture to ensure Western support amidst weaning interests in African countries. Since 1997 Ethiopia has enforced several policies as to monitor the Islamist threat from Somalia. The intention of these policies, except for the obvious containment of the terrorist threat, was to highlight their commitment

to the global counter-terrorism movement. By doing so Ethiopia could secure the support from Western states, most prominent, the backing of the US.

It is said that Ethiopia's meddling is the most important factor in the continuation of the Somali conflict. This meddling is not only limited to Ethiopian support of Somali opposition groups such as during the Ogaden War but also extends to Ethiopia undermining several peace accords that strived to establish a new government. The most prominent is the efforts of Ethiopia to undermine the Arta Agreement in 2000.

One of the leading factions involved in the Art Conference was al-Islaax. Originally an Islamic relief organization, the intentions of al-Islaax is held under suspicion by Ethiopia as the group supposedly has close ties with al-Itihaad and possibly al-Qaeda. Their involvement in the Arta conference, and the amount of seats allocated for al-Islaax within the newly formed Transitional National Assembly (TNA) raised Ethiopian suspicion. What further alarmed the Ethiopian Government, was the appointment of Abdiqasim Salad Hassan as president and his choice in cabinet members. Hassan, who was believed to be a prominent figure within the leadership of al-Islaax, appointed members of al-Itihaad such as Hassan Dahir Aweys to his Security Committee (Bryden, 2003: 47). As mentioned above, during this time Dahir Aweys was the Vice Chairman of al-Itihaad and was placed on the US terrorist list.

Subsequently Ethiopia convinced several attendees of the Arta conference to abandon the talks and started to assist groups, diplomatically and militarily, that were opposed to the TNG in Mogadishu, Lower Juba, Gedo and Hiran (Elmi and Barise: 2006: 42). Shortly after, the 9/11 attacks on the World Trade Centre took place. This allowed Ethiopia to brand the TNG as pro-Bin laden extremists (Elmi and Barise, 2006: 42). By doing so, Ethiopia secured the support of the US who, in the aftermath of 9/11 welcomed allies in its GWOT.

The newfound US support led the way for future Ethiopian intervention within Somalia. Although direct Ethiopian involvement was limited after the Arta conference, Somalia once again became the centre of Western attention with the rise of the Islamic courts in Mogadishu in 2006. The outcome of this new threat saw Ethiopia, with the help of the US invade Somali in December 2006, rendering the UIC defeated and driven from Somalia. These courts, which ensured a sense of law and order amidst civil unrest was much supported by the Somali

populace. The actions of the Ethiopian government thus enticed the Somali's who in time became radicalised (Menkhaus, 2009: 230).

Although Ethiopia was seen as the instigator of the ensuing conflict of the 2006 invasion, the Somali populace nurtured a deep resentment of the US, who was believed to have orchestrated the occupation. Except for diplomatic support for the Ethiopian invasion of Somalia, the US also provided developmental support and military assistance, and bombed suspected terrorist targets within Somalia (Menkhaus, 2009: 231). For its involvement in the Somali invasion, the US was held responsible for its impact on the Somali society.

This being said, the Western world and particularly the US, has also been found guilty of indirectly inflicting suffering on the Somali people. This accusation largely stems from the US supporting the training and deployment of TFG security forces. It has been said that these forces applied the law to a violent extent, raping, looting and beating civil society. Although the US has thus not directly applied such force it has been argued that they influenced the intentions of the TFG by channelling their rule of law through financial and diplomatic support (Menkhaus, 2009: 231).

The negative perception of foreign intervention holds great significance in the history of Somalia due to the impact on its people. It is for this reason that there is a rising anti-Western sentiment within Somalia. The scepticism of the Western world on the influence of Islam within weak states such as Somalia has also led to a perception that the West is anti-Islamic. As a result, the West who is predominantly Christian has become an enemy of the Somali people and its Islamic nature. Although the main enemy is perceived to be the US, the Somali people hold a deep resentment of its neighbour, Ethiopia. For its Coptic roots[2] and its alliance with the West, Ethiopian activity concerning Somalia is characterized by mistrust and suspicion.

[2] King Menelik II of Ethiopia stated that Ethiopia was for fourteen centuries a Christian island in a sea of pagans (Elmi and Barise, 2006: 39)

4.3.3 Anti – terrorism measures: The Alliance for the Restoration of Peace and Counterterrorism (ARPCT)

As the might of the Islamic Courts in Mogadishu grew in 2006, their influence over the populace also increased. This led to a clash of interests with the Hawiye warlords who controlled a large part of the capital. As the UIC brought a sense of stability to the lawless nature of Mogadishu their actions encroached with that of the warlords who thrived off the chaotic state of the nation. As Barnes and Hassan (2007: 4) mentions: "...there was a gathering tide of public opinion against the warlords, who were perceived as self-serving and corrupt with little regard for the interests of the average Mogadishu citizen. The Islamic Courts Union, on the hand, had a proven track record of restoring security."

As the warlords clashed with members of the Islamic Courts, speculation came to light that the US was secretly supporting the warlord factions. This speculation largely stems from the US's antagonistic stance against the influence of radical Islam within Somalia; the UIC's opposition of the TFG and several unexplained assassinations and disappearances that occurred during 2005/6.

With growing tension and violent clashes, the Mogadishu warlords took a formal stance in their opposition of the Islamic Courts in the formation of the Alliance for Restoration of Peace and Counter-Terrorism (ARPCT). The ARPCT, a combination of militia and business leaders, did not only aim to combat the growing power of the UIC but also aimed to apprehend suspected al-Qaeda operatives within Mogadishu (Menkhaus, 2007). The formation of the ARPCT marked the first formal internal effort to combat terrorism and the rise of radical Islam from within Somalia.

However, as mentioned above, it is believed that these efforts were not done by the sole initiative of the warlords. The Courts interpreted the formation of the ARPCT as a declaration of war against them by the US. This being said, and amidst wide speculation, the exact extent of the US support to the ARPCT still remains unknown. This support to the ARPCT, if any, remains limited and indirect. There were no US troops within Somalia and due to an arms embargo the supply of weapons was also not possible. If the US thus supported the ARPCT it was done through monetary incentives. In 2006, the International Crisis Group (ICG) stated that the US was channelling between $100, 000 and $150, 000 per month to the ARPCT

(Pearce, 2006). It should be mentioned that the intent of US support to factions opposing the UIC was never to combat Islam but rather to flush out known al-Qaeda members. Yet, US support was manipulated as to further the objectives of local partners such as the ARPCT (ICG, 2006: 12).

It is for this reason that any Western help to the ARPCT was interpreted as a war against all Somali Islamist associated with the UIC. This unleashed the fury of the UIC and its supporters which led to fierce urban warfare within the capital. The UIC proved to be much better trained, equipped and motivated, in contrast to the incompetent fighting of the ARPCT (Menkhaus, 2007). Eventually the ARPCT succumbed to the UIC force and was driven from the capital. This sparked the effectiveness of the UIC who quickly started expanding its power beyond Mogadishu into larger parts of Somalia until it was defeated by and Ethiopia/US coalition forces in 2007/8.

4.4 Maritime piracy and maritime terrorism: Protecting Somali coastal waters from foreign interests

4.4.1 Robbery at sea and the threat to maritime terrorism

Amidst the hype surrounding the reoccurrence of maritime piracy around the coast of Somalia, speculation has arisen as to the possibility of a link between the Somali pirates and terrorist groups operating in the Gulf of Aden. If such a link exists it transcends the actions of the Somali pirates from mere criminal intent to maritime terrorism. The extent of such a claim is consistently raised by the US while not being denied by ship-owners.

From a theoretical perspective, although quite similar in actions, piracy and terrorism differ in definition as to their goals. Maritime terrorism can be defined as "...the use or threat of violence against a ship (civilian as well as military), its passengers or sailors, cargo, a port facility, or if the purpose is solely a platform for political ends." (Lorenz, 2007). In comparison, Article 101 of the UN Convention on the Law of the Sea (1994) states that piracy constitutes "...any illegal acts of violence or detention, or any act of depredation committed for private ends by the crew or the passengers of a private ship.." .

At first glance these definitions highlight the fundamental difference between maritime terrorism and piracy – political intent as opposed to economic or criminal intent. Pirates

seldom operate for goals beyond the immediate act of attacking a vessel at sea. Their intentions are economical and criminal. In contrast, maritime terrorism is motivated by political goals beyond the immediate act of attacking a maritime target (Lorenz, 2007).
This being said, these definitions do overlap leaving a vague area of ambiguity. In 2001 the Abu Sayyaf Group (ASG), an al-Qaeda affiliate, conducted pirate attacks around Palawan in the Philippines (Luft & Korin, 2004: 63). The intent of those pirate attacks was to gather money to further political ends. Yet, as the actual pirate attacks were apparently not utilized by the ASG as terrorism, the pirate attacks may not constitute maritime terrorism, unless proved otherwise.

Several scholars and leading studies have confirmed the notions that the linkage between piracy and terrorism in Somalian waters may be a farfetched claim. According to the International Institute of Strategic Studies (IISS) no evidence exists that terrorists are gaining benefit from piracy (Murphy, 2009). A study done by the RAND Corporation also suggests the same: "the presumed convergence between maritime terrorism and piracy remains highly questionable" (Chalk, 2008: 31). In a report by John Patch (2008), a retired US Navy Commander, the author uses the testimony of actual pirates to uphold the claim that there is no link between piracy and terrorism in that region. According to Patch, the captors of the Faina stated that they only sought money. Even the UIC condemned acts of piracy. This makes a strong case that the possible nexus between terrorism and piracy can be debunked. However, the evidence on links between al-Shabaab and Hizbul Islam and piracy are still conjecture at this stage, although unlikely.

But this does not mean that the Somali pirates are not susceptible to terrorist influences. Several of the above sources stating the clear lack of evidence concede that piracy is the consequence of a localized problem – threatened fishing resources as well as the failed state of Somalia. The ineffectiveness of the global naval coalition active in the Gulf of Aden to curb piracy has led to the Naval Forces Central Command (NAVCENT) to state that although the naval presence is doing what it can, the solution to the piracy problem is not at sea but ashore in Somalia (Associated Press, 2008).

It is here that critics of the piracy/terrorism nexus perhaps fail to comprehend the extent of radical Islam – al-Shabaab and Hizbul Islam, within the Horn of Africa. As pointed out in this thesis, the radical jihad nature of Islamic factions against Western influences has led to an

increasing level of surveillance on radical Islamists. It is for this reason that groups such as al-Qaeda – normally not linked with Islamists, have developed into master tacticians and strategists, often thinking *outside* the box (Lorenz, 2007). The most prominent example of such adaption is the hijacking of airplanes to launch the 9/11 attacks. Even before that date al-Qaeda was responsible for the attack on the USS Cole in 2000 in the Gulf region. This Arleigh Burke class destroyer was stationed in the port of Aden, Yemen to refuel when it was hit by a small boat steered by suicide terrorists, killing 17 US soldiers. But was this an Islamic act, or terrorism against the west?

Prior to the attack on the USS Cole, al-Qaeda plotted an attack on the USS Sullivan, also in the port of Aden. This attacked failed when the suicide vessel sank in the harbour before it could be driven into this battle ship. The attacks on the USS Cole and the USS Sullivan were orchestrated by Abdul al-Rahim al Nashiri, alleged mastermind of maritime terrorist operations for al-Qaeda. Nashiri who is currently being held in Guantanamo Bay, was captured in Aden in 2002 (Lorenz, 2007). During his interrogation by US personnel Nashiri described at length the extent to which al-Qaeda sought maritime targets, which underlines the terrorism, as opposed to the Islamic argument.

From his home in Yemen, Nashiri witnessed the number of US and other foreign ships passing through the Yemeni port. It was here that he conceptualized and developed the idea of using maritime actions to further terrorist needs. After being lured by Osama bin Laden to join the greater jihad cause, Nashiri was tasked to attack US and Western oil tankers around the Yemeni coast long before 9/11(Lorenz, 2007). Finding it difficult to attack targets along the coast Nashiri, on the orders of Bin Laden, moved his base to the Yemeni port of Aden from which al-Qaeda devised the attack on the USS Cole.

Several other planned and executed attacks should focus the attention of Western states on the possibility of using piracy as means to an end – a political end. Under Nashiri's guidance al-Qaeda developed plans to attack US warships in the Strait of Hormuz and the Strait of Gibraltar quite far from Somalia (Lorenz, 2007). In June 2002 an al-Qaeda plan was foiled in Morocco to attack US and British naval forces. On 6 October 2002 Nashiri conducted an attack on the MV Limburg, a French oil tanker awaiting orders to dock in the port of Aden. A large number of crude oil spilled into the Gulf of Aden resulting in a direct effect in the global oil price (Lorenz, 2007). This evidence is incontrovertible. But whether terrorism and piracy

off the Somalian coast are linked remains unanswered, as evidence suggests these are different things.

However, the manner in which al-Qaeda execute such attacks should bare concern. In all maritime terrorist attacks the main means to an end was the use of small manoeuvrable boats to quickly attack large ships. Such attacks were also assisted by a *mother ship*. This bears a striking resemblance to the attacks of pirates operating in the Gulf of Aden surrounding Somalia. The tactics are therefore similar. But this proves nothing about intent.

Although scholars are correct as to advocate no clear line of evidence between piracy and acts of maritime terrorism (except for the obvious that the pirate groups are prone to violence and Islamic), the number of maritime terrorist activity surrounding the Gulf of Aden should raise concerns. It is thus not incorrect to point out the manner of ease with which al-Qaeda has managed to conduct maritime terrorist activity in the Mediterranean seas around North Africa. Considering the lawless nature of Somalia (a perfect breeding ground for terrorist activity), the similar use of tactics by pirate groups and maritime terrorists and the link between Islam and insurgency aimed at the pro-Ethiopian and US supporting weak Transitional Government, should be enough to initiate further inquiry as to the possibility that al-Qaeda can use piracy to further its radical political ends.

4.4.2 The United States and its Anti – Piracy Measures: Combined Task Force – 150 (CTF-150) and Combined Task Force – 151 (CTF-151)

A clear indication that the US is concerned with the dangers of maritime terrorism in Africa is the actions of the Combined Task Force – 150.

The CTF-150 is the naval component of Operation Enduring Freedom – Horn of Africa. CTF-150 is an international task force comprising of a coalition of naval support from countries such as Germany, France, the United Kingdom, Australia and the Netherlands (Royal Navy, 2009). The force conducts Maritime Security Operations (MSO) southeast of the Strait of Hormuz, the Gulf of Aden, Gulf of Oman, the Arabian Sea, Red Sea and parts of the Indian Ocean (Wander, 2006: 5). Coalition countries contribute ships to increase the naval capacity and presence in mentioned regions to achieve stability and a secure maritime environment, free from terrorism and related activities such as drugs and arms trading, human trafficking

and acts of piracy. The common denominators between these threats are Islam and oil. However, is action against such threats done to further political or economical interests?

The significance of this task force becomes clear when addressing its Area of Operation (AOR). This area is of immense importance to world trade – it is the main shipping route for vessels from the Far East to Europe and the US and approximately one third of all world oil travels through these waters (Royal Navy, 2009). The task force has been involved in numerous operations to improve the maritime security of the region e.g. in 2005 the CTF-150 captured a vessel carrying an illegal cargo of hashish (CUSNC, 2008).

Whilst the CTF-150 was active in the Indian Ocean during 2006, the social unrest heightened in Somalia. It was during this time that the UIC rose to prominence. The CTF-150 was subsequently tasked to secure the maritime cordon off the coast of Somalia in fear of al-Qaeda operatives within the UIC fleeing the country by sea. However, since 2006 the actions of the CTF-150 have been focused predominantly on combating the increasing amount of pirate attacks in the Gulf of Aden. For instance, in 2007 the Dutch ship Hr.MS Evertson was deployed to the Gulf of Aden as to accompany boats affiliated with the United Nations World Food Programme fearing pirate attacks. In an effort to further curb piracy, the Danish ship HDMS Absalon, was introduced to the coalition in 2008. In September 2008 this vessel captured two pirate vessels containing ten pirates and equipment used to board ships such as ladders, rocket launchers and grenades (Isherwood, 2008).

As the problem of modern day piracy heightened during the latter parts of 2008, it became clear that the main objective of the CTF-150, to deter maritime terrorist activities, would not be met as its naval capacity was applied mainly to combat piracy. This would have serious implications for the US' efforts to curb terrorism and maritime terrorist activity in the Horn of Africa and its larger Global War on Terror (GWOT) initiative.

It is for this reason that the US Navy established the Combined Task Force-151 in 2009. The aim of this multinational task force is to solely conduct anti-piracy operations. This includes tasks to deter, disrupt and suppress piracy as to uphold maritime security within the Gulf of Aden and the Somali coastline (CUSNC, 2009). As stated above, the CTF-151 was formed to ensure that the CTF-150 remains loyal to its original objectives – to counter maritime terrorist activities. Naval officials have commented by stating that the establishment of CTF-151

enables CTF-150 to remain focused on security operations, whereas CTF-151 strives to complete anti-piracy missions (US Department of Defence, 2009).

In previous chapters the question as to maritime jurisdiction played a significant role in distinguishing between armed robberies at sea and maritime piracy. In similar fashion this jurisdiction stipulates the authority of global actors within maritime boundaries. As a coalition aimed at deterring global maritime terrorism, CTF-150 fell short in its authority to apprehend and combat acts of piracy. The formation of CTF-151 bridged such shortcomings. According to Navy Vice Admiral William E. Gortney, (Commander of the US Naval Forces Central Command, US 5th Fleet and Combined Task Forces) the formation of CTF-151 addressed these shortcomings: "...Some navies in our coalition did not have the authority to conduct counter-piracy missions. CTF-151 will allow those nations to operate under the auspices of CTF-150, while allowing other nations to join CTF-151 to support our goal of deterring, disrupting and eventually bringing to justice the maritime criminals involved in piracy events." (US Department of Defence, 2009).

It is interesting to note that this statement refers to criminals and not terrorists.

4.4.3 Naval intervention in combating global piracy.

The increase in piracy attacks off the Somali coast is not only threatening commercial maritime trade security and international navigation but has also deterred humanitarian aid efforts to African countries. It is for this reason that the US and its allies have taken initiatives to combat piracy, not only to secure maritime shipping but, to further its counterterrorism policies. Yet, apart from the US and other nations involved in the CTF-150/1 coalition initiatives, international governing bodies such as the United Nations (UN), European Union (EU), and the North Atlantic Treaty Organization (NATO) have taken several measures to address the piracy problem. But the jury is still out on whether affected navies see this as criminality or terrorism.

One such initiative is Operation Atalanta, initiated by the EU. This program marked the first ever naval operation conducted by the EU and includes naval support from countries such as Belgium, Britain, France, Germany and Italy. Launched in support of the UN's Security Council's anti-piracy resolutions (1814, 1816, 1838 and 1846) this operation, except from the

normal objectives to prevent and repress acts of piracy, aims to protect vessels that are part of the UN's World Food Programme (WFP) delivering aid to Somalia (European Union, 2009). Comprising of thirteen warships and three maritime patrol air surveillance aircraft, Operation Atalanta have apprehended more than fifty pirates and escorted numerous vessels to safety through the Gulf of Aden (Stevenson, 2009).

Working in conjunction with the CTF-150/1 and other anti-piracy initiatives this program operates within the Red Sea, the Gulf of Aden and parts of the Indian Ocean. Initiated in December 2008 operation Atalanta was intended to operate for a single year to conclude on December 13th 2009 (Stevenson, 2009). However, deeming the piracy threat more serious than first anticipated, the EU extended the operation by another year.

Although active in deploying a naval response to the piracy problem, the EU is well aware that the problem will persist if internal reform within Somalia is not addressed. It is for this reason that the EU is active in peace talk facilitations to ensure the restoration of law and order and institution building within Somalia and to further diplomatic efforts to stabilize Somalia's political, social and economical environment.

Also responding to the call by the UN upon international actors to aid the anti-piracy strategy, the North Atlantic Treaty Organization (NATO) deployed Operation Allied Provider and Operation Allied Protector.

In September 2008 the UN Security Council requested NATO to assist in providing naval support to escort WFP vessels through Somali waters (NATO, 2009). Adhering to this request, NATO established the temporary Operation Allied Provider initiative. This task force provided protection for WFP vessels and conducted patrols within the Gulf of Aden to deter pirate activities. Operation Allied Provider was conducted by the Standing NATO Maritime Group 2 (SNMG2), a NATO naval reaction force. This force is a multinational maritime force, comprising of naval vessels from various allied countries. Although mostly operating in the Mediterranean, SNMG 2 was assigned to move its objectives to the Gulf of Aden. The escort duties of the SNMG 2 started in October 2008 with the successful protection of a WFP vessel on its way to Somalia, and were officially terminated in December 2008 as Operation Atalanta commenced (NATO, 2009).

However, this did not indicate the end of NATO's presence within the Gulf of Aden. Amidst the continuing piracy threat NATO was called upon to deliver a more full-time presence in the Gulf of Aden. Building on the success of Operation Allied Provider, NATO formed Operation Allied Protector in March 2009 to deter, defend against, and disrupt pirate activities off the Somali coast. From March to June 2009 Operation Allied Protector was deployed by the Standing NATO Maritime Group 1 (SNMG 1) (UKNATO, 2009). Last mentioned task force usually operates in the Eastern Atlantic area. As of June 2009 SNMG 2 took control of Operation Allied Protector. In contrast to SNMG 1, SNMG 2 can operate more quickly and flexible across a wide area, making it more applicable to the Gulf of Aden (UKNATO, 2009).

In August 2009, building upon the experience gained from Operation Allied Protector, NATO launched Operation Ocean Shield. Whereas the previous NATO operations solely focussed on at-sea anti-piracy measures Operation Ocean Shield adopts a more complete program, focusing on assisting local states to embark on their own anti-piracy capacity-building initiatives. The actions of Operation Ocean Shield thus include the normal anti-piracy measures (deter, defend and disrupt); but also the facilitation and support of local states' capacity to conduct anti-piracy measures; and to coordinate all NATO operations and initiatives within the coalition's maritime forces, EU naval forces, and other non-NATO forces that are conducting counter piracy operations off the Horn of Africa (NATO Shipping Centre, 2009). While these operations are indicative of the seriousness of the threats of piracy in this part of the world, it reveals very little of how Western naval forces see this threat: criminality or terrorism, which is economical or political? Maybe al-Qaeda must speak out and say whether it uses the pirates as fundraisers, or not.

CHAPTER 5

Conclusion

5.1 Introduction

The introductory chapter of this work outlined the purpose of this thesis to describe and explain the underlying political, economical and social factors contributing to conflict in Somalia; to ascertain whether conflict and robbery at sea/piracy is linked; to question who or what the robbers or pirates are, and why acts of piracy are so rife in particularly the Puntland area of Somalia; to assess whether these pirates are fishermen protecting resources, or are they vigilantes, self-defence units, bandits, warlords, Islamists or a combination thereof and; finally, to point out that resource scarcity and statelessness render Somalia susceptible to maritime piracy. But external motives cannot be ruled out either.

In answering these questions, the nexus of this work is the inquest to explore and define the *what* and *why* of the controversial topic of maritime piracy off the east coast of Somalia.

Conventional wisdom holds that in order to find a solution to a specific problem, it first needs to be defined. However, in this thesis it appears that a converse line of reasoning seems appropriate. The reason for this is that the problem of maritime piracy in the Gulf of Aden is the symptom of the failed nature of the Somali state explained in the context of the heightening food crisis.

In order to understand and define Somali piracy this study firstly aims to comprehend the factors and indicators that led to the current Somali crisis. From the Somali environment described, the author was able to comprehend as to why Somali citizens, within a certain region, took to the sea in pursuit of maritime targets. This work outlines the perceived intent of the various pirate groups – why they are operating. Exploring the environment from which the pirate groups stem, and understanding their intent, this work was able to conceptualize the what and why of modern day piracy and *who* the groups are.

The purpose of this chapter is thus to conclude on these questions; to review the most important findings of this thesis and, to proclaim if the thesis has succeeded in its initial objectives – namely to contribute to the fields of conflict studies in weak sates, African politics and maritime security by exploring who the Somali pirates are and why they act.

5.2 The demise of the Somali state and the food crisis

It is a difficult task to single out the exact factors that contributed to the conflict in Somalia. As described in Chapter 2, the country's current situation can be ascribed to several interrelated factors. These factors – political, economical and social, are all influenced by occurrences in Somali history.

The hostile relationship with Ethiopia, the struggle for resources, especially food, repression by the military regime, the demise of the agricultural sector, and the endless failed peace agreements made Somalia unstable.

Although being democratic in nature, the government that came to power in 1960 became destabilized by the influences of clan loyalties. Such influences stretched not just into mere local politics but the civil service, National Assembly and even the cabinet that was highly manipulated by clan interests. This problem of tribalism resulted in many public and private political figures utilizing their bonds of kinship to further their own political interests. These loyal relationships resulted in the government's inability to effectively provide civil services. The populaces' frustration with this misrule directly led to the military coup of 1969 in which Mohamed Siad Barre seized power.

Depending on the clan identity of the government, tribalism was also applied as discriminating tools against rival clans. The regime of 1960 oppressed the clans of the inter-riverine region in the fertile South in a process of land seizures by which private commercial land was given to subsistence farmers. This patrimonialism resulted in a direct shortage of agricultural produce such as sugar, banana and livestock plantations by means of state ownership. For a while, Barre's Darod clan benefited, while the victims were the wealthier Hawiye. By also manipulating the markets, Barre favoured government producers. These

discriminatory practices did not only eventually lead to the demise of the agricultural sector between the Shebelle and Juba rivers, but also the suspension of Western aid.

The oppression by the Barre regime of certain clans led to the formation of warlord and militia groups that aimed to combat the tyrannical regime. This did not only arouse the ire of Barre but also provided a hostile and conflict prone civil environment. After a failed attempt to overthrow Barre in 1979, the government unleashed brutal oppression against the involved clans and civil war erupted. Unable to defeat the rebel and guerrilla forces Barre killed thousands of civilians in his attempt to crush the Isaaq in Northern Somalia and the Hawiye of the inter-riverine area including the capital Mogadishu. These gross human rights violations led to three noteworthy occurrence – the eventual downfall of Barre by Mohamed Farrah Aideed in 1991, the suspension of humanitarian aid (needed to address the famine resulting from Barre's destruction of the agricultural sector) and the secession of Somaliland, in the north.

The most prominent historical instance relating to clan identity is certainly the legacy left by colonial superpowers with the partitioning of Africa. Although various internal factors can be said to have brought civil decay, a large school of thought holds the legacy of colonial rule being solely responsible for state demise.

The post-colonial Somali conflict originated as the indirect consequence of colonial partitioning. The colonial legacy provided a historical backdrop against which a multitude of local and international developments could impact resulting in the failed state. This is largely due to the borders drawn between the colonial powers active within the Horn of Africa – Britain, France and Italy, which cut across ethnic lines. With Somali independence in 1960, four million people of ethnic Somali origin was left settled within neighbouring countries. With the nationalistic hype surrounding Somali independence, it could have been anticipated that Somalia would go to great lengths to reclaim these territories, especially the Ogaden in Ethiopia.

This provided a blueprint from which further conflict would erupt. Where a colonial legacy is superimposed on ancient cultural and ethnic divides it always holds the promise of a

destabilizing civil society and military conflict irrespective of any additional shaping factors. As clan identity pre-dated the colonial partitioning, the arbitrary divide of African land without cognisance of the multitude of cultural considerations would inevitably lead to conflict.

It is important to understand the situation that ignited the Somali conflict – the inability of Somalia to find diplomatic ways to regain the territories divided by colonial partitioning. With the unwillingness of Ethiopia to part with the Ogaden, Somalia took arms. The resulting Ogaden War and the defeat of the Somali army at the hands of an Ethiopia/Soviet alliance dealt the nation a fatal blow and shattered the Barre regime's irredentist dreams. This impoverished Somalia further and contributed to the legacy of the militarization of the Somali society, resulting in the presence of armed warlords and the eventual downfall of Barre in 1991. Then Somalia became stateless.

It has been stated that the meddling nature of Ethiopia within Somalia can be seen as a constant factor in the continuing demise of the Somali society – Ethiopia – Coptic Christian, harbour individuals and groups that oppose the Muslim Somali government; it undermined the Cairo and Arta peace conferences; it has been a persistent provider of weapons to militia and clan factions within Somalia, and it has invaded its neighbour several times, the last time in 2007. Even when it seemed that law and order can be restored within Somalia, as in the rule of the UIC, Ethiopia who is hailed a Coptic state in Muslim Africa, undermined the power of the UIC. Backed by the US, Ethiopia is eager to show its support to combat terror within the Horn of Africa. This stance has led to continuous border confrontations between Ethiopian and Somali militia.

In essence, a fundamental principle involved in the conflict in the Somali society is the inability and also the unwillingness of the government to regulate resource allocations and the provision of goods and services. For this reason Somali relied heavily on foreign assistance as source of food aid. Other aid except for weapons, have seldom been supplied. Combined with the government's failure to uphold law, order and security, Somalia found itself in a free-for-all struggle between factions to capture scarce resources such as water, ports, infrastructure

and livestock. Resulting disputes were resolved by means of violence, advocated by the traditional Somali legal sytem, Heer.

This gave rise to various warlords who violently contested inter-clan rivalries, and while also fighting weak authoritarian ties created by various peace processes. Over time this contest resolved not so much over resources but the complimentary power that came with its possession. Factions did thus not only contest resources but also the right to reign. The battle for power and the weakening state of Barre's regime lead to his eventual downfall in 1991. The vicious cycle continued as Farrah Aideed, the most powerful of all warlords, used food as weapon. With environmental hardship, the destruction of the agricultural sector and the effects of civil war, Somalia plunged into widespread famine. Aideed utilized this predicament – those who controlled the food resources would control the people. However, Farah Aideed was never a pirate.

5.3 Unmasking the pirates of Somalia

This thesis sets out to ask the what and why (and who) of the Somali pirates. Who are they and why are they acting in the way they do? As this work progressed it became clear that to find such an unambiguous answer is very difficult.

One noteworthy aspect of the Somali environment is the ability of various actors to rise to power amidst grotesque social-political and economical inequalities in the face of constant state decline. This is prominent in Chapter 2 that explored the historic significance of Somalia. Against a corrupt government, Siad Barre mobilized support to overthrow the patron-client system. In the face of Barre's own misrule, various factions rallied around strategic sources to such an extent that they eventually accumulated enough support and power to topple his regime. As Somalia fell into lawlessness the Muslim neighbourhoods formed the sharia courts to instil law and order.

What all of these occurrences have in common, is its ability to adapt to its surroundings to eventually overcome hardship, just to be overrun by a stronger and more cunning rival in time. The situation closely resembles the concepts and ideas surrounding Darwinism and the

concept of *survival of the fittest*. It is within this framework that the problem of piracy can be defined.

In certain parts of Somalia, particularly the Puntland region and the southern coast below Mogadishu, the populace was forced to find alternative ways to survive. Plagued by human misrule these areas were also not spared environmental hardship. Hit by severe droughts the agricultural and food production sectors of Puntland have been crippled, resulting in widespread famine, malnutrition and poverty. The resulting humanitarian crisis led to the populace abusing the last remaining pastoral livelihoods available to such an extent that Puntland became an arid, over exploited region. As the livelihoods became scarce, people flocked to the coast to explore the benefits of the coastal waters of Puntland. Amidst the recurrent drought and unable to grow or afford their own food, many former pastoralists made their way to urban centres such as Eyl and Harabdere on the coast. The conditions within the interior thus forced many Somali citizens to utilize the rich maritime resources found off the Puntland coast and in the region north of Mogadishu.

By the late 1990s various foreign fishing vessels made their way to the Gulf of Aden in search of marine resources. As no central maritime security force existed in this collapsed state these vessels ventured within the exclusive economic zone of Somalia. As this zone and its coastal resources were the sole territory of the Somali state, as stipulated in the UNCLOS (1994), these vessels were illegally exploiting the Somali coast. As mentioned in Chapter 3, there are various statistics to indicate the exact impact of such illegal, unreported and unregulated fishing activities on the Somali coast. However, the common fishermen in towns like Eyl were not aware of such statistics. The exploitation of their food resources by foreigners literally took food from their plates.

It is within this context that the evolutionary theory bound to Darwinism become applicable. The coastal populace had a choice – either they perish or they act in order to survive. In choosing the latter, the fishermen took to the sea to apprehend such illegal vessels. They either confiscated the vessel or held it ransom in order to send a clear message that the exploitation of Somali resources would not be taken lightly. However, their actions, although perceived to be noble and just was still criminal in nature. This thesis, in accordance with the

work of Eric Hobsbawm concludes that these fishermen thus became social bandits – they perceived their intentions to be good, they acted in the face of oppression, were not particularly violent, were still part of their communities and shared the spoils with the local populace and was considered heroes by their own people. They ascribe to the image of Robin Hood who acted to restore social injustice.

Indulging in such acts of social banditry the fishermen also embraced vigilante justice. Just as the communities of Mogadishu took law into their own hands by following sharia law, so did the coastal populace administer justice against the illegal exploitation. Such vigilante justice took on a more formal role – just like any civil defence group, with the formation of the Voluntary Coast Guard. As illegal fishing continued the fishermen realized that to combat it would require a more fulltime occupation. The fishermen thus left their fishing practices and formed groups such as the Puntland Group and the National Voluntary Coast Guard. The formation of these groups thus conforms to the idea of self-defence units that do not merely act to uphold security but take on the role of formal security forces.

Over time these groups realized that the capturing of illegal fishing vessels is an easy and lucrative task. They thus left their original occupations as fishermen to pursue maritime targets irrespective of illegal fishing practices. What they did soon became profitable. Committing to these actions the fishermen evolved into criminal bandits for the reason that they found criminal activity and robbery at sea to be much more profitable to their economic needs than an honest day's job. This being said, these groups thus started to operate not only in territorial waters, but far outside the exclusive economic zone. When the fishermen were mere social bandits they normally operated within the 200 nautical mile zone of Somalia – thus deeming their robbery at sea as actions of banditry. However, as they became more adamant in their actions to pursue criminal interests they transgressed this 200 mile zone to capture ships, most of which were not fishing vessels anymore.. This transgression did not only make the fishermen criminal bandits but propelled them to the status of the maritime pirate.

As these groups thus *ruled* over a particular region of the sea they bare close resemblance to the actions of the warlord and militia groups that evolved from the civil unrest in the 1980s

when Farah Aideed was the most famous warlord. But warlords elsewhere fight civil wars and often use violence against opponents and civilians, something pirates refrain from doing.

This thesis argues that it is not possible to distinctly confine the pirates of Somalia to a specific classification. Rather, this author is of the opinion that piracy evolved from the lawless and hungry nature of the Somali state. Initially acting for the common good of the Somali coastal population, vigilante and civil defence groups arose to oppose the injustice of foreign marine exploitation. In time these groups evolved – becoming criminals and eventually in theory, pirates. The hallmark of present-day piracy is demanding huge ransoms. The question is for whom?

5.4 Future threats – From piracy to Islamic insurgency

The problem of piracy in this work is said to have evolved from vigilante justice to full blown criminal thuggery. It also takes note of the possibility that the pirates might become maritime terrorists or that they are operating to further terrorist interests, such as al-Qaeda.

Currently the most controversial opinion is that the pirates might have links with terrorist movements in the Horn of Africa. At face value such a theory is held sceptically. However, when exploring the prominence of terrorist movements within East-Africa as in Chapter 4, such speculation does not seem too farfetched.

In the aftermath of the terrorist attacks on the World Trade Centre on 11 September 2001 the US embarked on a determined campaign to fight global terrorism (The Global War on Terror, GWOT). The result of this global embargo led to the invasion of Afghanistan in 2001 to attempt to defeat the Taliban and al-Qaeda networks lead by Osama bin Laden. The GWOT, codenamed Operation Enduring Freedom, comprised of various subordinate programs to deter terrorism in other parts of the world. Various subordinate initiatives such as the Pan-Sahara Initiative (PSI), the Trans-Sahara Counterterrorism Initiative (TSCTI) indicated that the US deemed Africa highly susceptible to terrorist influences. Yet unbeknown to most, the US and its allies targeted the Horn of Africa as a breeding ground for radical Islamic terrorists.

There is truth to such claims based on the activity of leading terrorist networks such as al-Qaeda within the Horn and Somalia. Except for his widely publicized discontent for US and

Ethiopian presence in Somalia, Osama bin Laden and a-Qaeda trained Somali faction militia and local fighters in terrorist tactics and claimed responsibility for the controversial death of US soldiers during Operation Restore Hope. Al-Qaeda's presence and resentment of Western ideals in Somalia also radicalized other terrorist groups such as al-Itihaad al-Islaami which prompted more resistance to foreign, Coptic norms and values. There is evidence that al-Shabaab in Somalia has links with al-Qaeda. But whether they link with the pirates is uncertain.

Even from within Somalia forces gathered to oppose potential terrorist threats. With the rising might of the UIC in Mogadishu in 2006, various warlords and factions leaders formed the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT). However, the ARPCT was more likely to have originated as warlords who sought foreign support against the UIC. Factions and warlords opposed the ARPCT, not so much as to combat terrorism, but to regain power to embrace their own interests amidst the *perceived* terrorist threat.

This being said, this thesis stated some evidence to concede that there is no direct link between maritime piracy and acts of Islamic terrorism. There is no proof to indicate that the money generated by piracy is applied to further terrorist goals. Yet this work has pointed to the ease with which terrorist groups have conducted acts of maritime terrorism in the Mediterranean seas surrounding North Africa. Although this study cannot deliver compelling arguments to indicate a correlation between piracy and terrorism it can warn as to the similarities between their acts of violence. Piracy offers a modus operandi by which acts of terrorism can be mobilized. Although scholars are thus not too concerned about piracy being used to further the political goals of Islam the prominence of newly established anti-piracy measures such as the Combined Task Force 150/151 and Operation Atalanta proves otherwise but still linking piracy rather to criminality than to Islam. Although piracy might have an miniscule effect on the global shipping trade, the high levels of alert kept by the US and its allies to monitor pirate activity within the Gulf of Aden indicates that a larger threat can be anticipated.

This author is of the opinion that in time piracy shall be utilized by radical Islamic factions and other terrorist groups against the US and its allies. The reason for this is not the presence

of Islam or terrorist movements in Somalia but, rather the continuous amount of naval support sent to curb piracy. The number of naval vessels present within the Gulf of Aden must capture the attention of radical terrorist groups. Such vessels are sitting ducks. Consider the following scenario: A US naval destroyer responds to distress call by vessels attacked by pirates. The destroyer rushes to the scene and seize the pirate ship. As soon as the destroyer pulls alongside the pirate vessel, the boat explodes. Such a scenario is not at all farfetched. Pirate vessels planted with explosives can serve as bait to lure Western ships within range. Piracy may thus not be utilized as a means to a political end but, rather an end in itself.

5.5 Concluding remarks

Not so much aiming to find definitive answers to the various questions surrounding the controversial topic of maritime piracy, this study proved to be successful in its ability to explore actors and factors influencing piracy off the coast of Somalia.

To summarize this author concludes on the goals of this study.

a) This study explored, identified and described the various possible political, economical and social factors contributing to the conflict in Somalia. It highlighted that the current Somali situation was influenced by two underlying principles – background and contributing causes. The background factors are the ever present ethnic and clan loyalties, and the legacy of colonial rule. The conflict in Somali was also intensified by internal and external factors. Internally, clan conflict, the rise of warlord factions, government misrule and oppression. Externally, the legacy of the Cold War, suspension of Western aid, the meddling of Ethiopia and the US.

b) The rise of piracy and armed robbery at sea along the Somali coast is not a direct consequence of the conflict in Somalia. However, the environment in which these pirate groups find themselves are the direct consequences of the conflict. Faced by extreme hardship the populace turned to the sea as source of food. When this source was threatened by illegal, unreported and unregulated fishing and the dumping of toxic waste the groups, in similar fashion to their counterparts in the interior, utilized violence to ensure resource possession to further their own interests and survival.

c) The combination of clan oppression, severe environmental hardship such as drought and the 2004 tsunami, the resulting famine, malnutrition, poverty and urbanization, and the illegal, unreported and unregulated plundering of the rich marine resource made the Puntland populace the most susceptible to take up arms to protect their source of income and nutrition.

d) It is not possible to confine the pirates of Somalia to a specific role at a specific time. Being the products of their society, fishermen have and are still evolving into various roles such as vigilantes and self-defense units, noble thieves and criminal bandits. Whether they link with terrorism and Islam is unsure. However, for their acts of violence in and out of international waters, they are deemed as robbers at sea and maritime pirates.

e) To point out that resource scarcity, statelessness and external factors render Somalia susceptible to maritime piracy is to underrate the magnitude of the problem. The struggle for resources in the absence of a law enforcing state, be that territory, infrastructure, consumer goods or agricultural produce, and the accompanying power that its possession holds is the driving force behind the Somali conflict. In the absence of a formal maritime protection initiative, the war between the fishermen (some turned criminal) and foreign fishing vessels over marine resource resulted in the rise of maritime piracy.

By stating these findings, the author is of the opinion that the significance of this work can contribute to a fresh and original perspective in the fields of conflict studies, African-Somali politics and maritime security. Although this study aims to clarify certain issues surrounding the emergence of maritime piracy, this subject merits further investigation.

As stated above, piracy in the Gulf of Aden follows an evolving process of continuous change. It is for this reason that further studies as to this topic is encouraged. In retrospect, the author supports further inquiry as to the possibility of piracy being used to further acts of maritime terrorism and/or links with Islamists.

This thesis indicated that the combination of various background and contributing causes of the Somali conflict indirectly gave rise to the piracy. Interestingly enough, a large majority of such causes are present not only in Somalia but in various African and Eastern countries. It is thus an open-ended question whether the combination of such factors, together with the exploitation of marine resources amidst great social disparity cannot provide a distinctive formula to explain the rise of piracy in other parts of the world. I.e. although not influenced by the same internal factors as in the failed state of Somalia, a case of concern is the exploitation of abalone along the tip of Southern Africa. In the absence of an effective marine coast guard, poaching and illegal exploitation has become so rive in areas like Gansbaai, South Africa, that various violent factions have arisen, often clashing with government forces at sea. This indicates how the struggle for marine resources in other parts of the world led to the formation of violent groups who are willing to go to great lengths to secure the power and wealth tied to the possession of such strategic assets.

Although such examples are far removed from the pirates of Somalia it still refers to the human inclination to succumb to any means possible that shall grant quick wealth and prosperity. Such greed is not limited to weak societies but is a trait far too similar to various aspects of Western civilization. It is for this reason that the very principles that drove the fishermen of Somalia and the pirates of yesteryear to take to the sea, deserves the attention of academic thought in all corners of the world.

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Appendix 1

A critical appraisal of noteworthy sources

Authoritative and contemporary works were used in this thesis for their relevance to this study. In this respect the following works are deemed to be benchmark sources of reference and relevance due to their contribution to this thesis.

In exploring the Somali nation, no authors writing on the topic trumps the lifelong contribution made by Ioan Lewis. There is a consensus among his academic peers that Lewis is one of the leading pioneers of Somali studies in modern times. The prominence of his work to this study stems from his writings in *A Modern History of the Somali* (2002, Fourth Edition). In this work Lewis delivers a thorough and in-depth analysis of the Somali state, its people and the developments that shaped the nation. This includes a comprehensive historical narrative on the formation of the post-colonial state, the impact of clan affiliations, the various regimes and its oppressive policies and the constant presence of external interference.

Although *A Modern History of the Somali* is widely considered as classical literature and a hallmark contribution to the studies on Somali, Lewis's writings can be critiqued. As a social anthropologist by occupation, not a historian, Lewis has been criticized for his presumed inclination to reduce the Somali dilemma to conflicting clan identities to the exclusion of influences from a broader, historical, political and economical perspective.

Certain parts of this study, aiming to define the what and why of modern piracy, relied heavily on the theorist contribution of Eric Hobsbawm. Considered one of the world's leading historians at the height of his career Hobsbawm is most renowned for coining the term social banditry in his classic study on popular forms of resistance, *Primitive Rebels* (1965). He later expanded this theory in *Bandits* (1969), the leading source of reference used in this study to classify certain traits of the pirates as being consistent with that of social and criminal bandits. Although Hobsbawm is often criticized for his theory of social banditry as being too romanticized through nationalistic rhetoric, his contribution in *Bandits* emphasizes the mythical essence of classic and modern forms of piracy.

As above sources provide classical contributions to this study, mention should also be made of the works fundamentally important to help understand the modern occurrence of piracy. Although not dwelling on thorough explanations as to define modern piracy, the International Maritime Bureau's annual reports on piracy and armed robbery against ships offers the most up to date, thorough collection of all global pirate and armed robbery attacks. A subordinate initiative of the International Chamber of Commerce, the IMB gathers all information on pirate attacks through its 24h Piracy Reporting Centre (PRC) in Kuala Lumpur, Malaysia. The statistical data compiled in these reports are used in a large number of writings that explain the occurrence of pirate attacks in and around the Gulf of Aden.

In defining the rights and responsibilities of all nations in their use of the world's oceans and in establishing guidelines for states, the private and public sector in its use and management of the marine environment and its natural resources, the United Nations Convention of the Law of the Seas (UNCLOS) provides a legal framework through which the problem of piracy can be defined. The UNCLOS aided this study to theoretically define armed robbery at sea and maritime piracy and to outline the specific rights and obligations of all states in their use of the world's oceans within their three areas of jurisdiction – the exclusive economic zone (EEZ), the contiguous zone and its territorial sea. As the UNCLOS specifies between the three zones and international waters, it does not only stipulate the rights of nations within these areas, but also differentiating between acts of armed robbery at seas and maritime piracy within international waters, also called the high seas.

This thesis relied heavily on certain journal articles as contributing sources to steer this study. Of considerable importance was the work of Anthony Vinci (An analysis and comparison of armed groups in Somalia; Conceptualizing warlords as sovereign non-state actors), Elmi and Abdullahi Barise (The Somali Conflict: Root causes, obstacles, and peace-building strategies), Brian Wilson (Effectively confronting a regional threat: Somali piracy), Matt Bryden (No Quick Fixes: Coming to terms with terrorism, Islam and statelessness in Somalia), Comfort Ero (Vigilantes, Civil defence forces and Militia groups) and John Mackinley (Defining Warlords).

As armed groups and faction militia play a prominent role in the demise of the Somali society, Vinci's work equipped this author with a detailed description of the different armed groups within the troubled state. Together with the Mackinley's work on Warlords, Vinci's second contribution thoroughly defined the concept armed groups and warlords as non-state actors.

Separate from the academic world, an abundance of private enterprises, state departments, Non-Government Organizations, environmental activist and charity institutions released reports on various topics relevant to this study. Except for the usual valuable contributions by the United Nations, European Union and the US Department of State, this thesis relied on the educated opinions and insightful sources provided by the International Crisis Group (Counter-terrorism in Somalia: Losing Hearts and Minds?), the RAND Corporation (Maritime Terrorism: Risk or Liability), the Finnish Institute for International Affairs (The Trans-Saharan Counterterrorism Initiative: The US war on terrorism in Northwest Africa), Chatham House (Piracy in Somalia: Threatening global trade, feeding local wars; The Rise and fall of Mogadishu's Islamic Courts). All of these sources proved extremely helpful as it offered endless factual data used in this thesis.

As modern day piracy is very much a current event an abundance of information can be found in news publications, be that print or digital. In describing pirate events off the east coast of Somalia coast, to comprehend the rise and fall of the UIC and the constant terrorist threat in the Horn of Africa this study turned to such sources – the most prominent being Ishaan Tharoor (Time Magazine, Online) and Johann Hari (The Independent, Online). However this author found that several of such sources are heavily influenced by Western ideals and media bias. As this study aimed to objectively explore the occurrence of maritime piracy, and as a large portion of this thesis addresses US initiatives against Islamic countries, this author tried to incorporate fresh and alternative news sources. For this purpose this study also turned to the sole independent news network of the Middle East, Al Jazeera. For instance, in 2009 Al Jazeera compiled and aired a documentary on the illegal dumping of toxic waste off the Somali coast.

Finally this section would like to make honourable mention of certain sources unrelated to above themes. Although these sources did not specifically determine the course of this study reference should be made for their valuable factual contributions. In Chapter 4 the work of James Phillips (Somalia and al-Qaeda: Implications for the War on Terrorism) provided purposeful insight as to the activity of al-Qaeda in Somalia. In addressing the possible linkage between maritime terrorism and piracy, Akiva Lorenz (Al-Qaeda's Maritime Threat) provided a detailed description of al-Qaeda's maritime terrorist intentions in terms of recruitment, preparation and procurement. To determine why the Horn of Africa proves to be so susceptible to radical terrorist influences and to review the most important counterterrorism movements within the Horn, Lieutenant Colonel Mary Choate of the US Army War College (Trans-Sahara Counterterrorism Initiative: Balance of power?) offered a comprehensive overview of notable sources.

Lastly the contribution by Ken Menkhaus, to this work and his overall commitment to studies on the Horn of Africa and particularly Somalia cannot be emphasized enough. As Ioan Lewis is considered as a pioneering scholar on classical Somali literature, Menkhaus, a former special advisor to the UN operations in Somalia, is the leading contemporary academic on Somalia. His thinking contributed to this study with his general writings on humanitarian relief, peacekeeping missions, post-conflict developments, collapsed regime dynamics, protracted conflict and the movement of Islamic organizations within Somalia and the broader context of the Horn of Africa.